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LEGISLATIVE HISTORY

Public Law 86-234

H. R. 2725

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INDEX AND SUMMARY OF H. R. 2725

- Jan. 7, 1959 Rep. Coad introduced H. R. 343 which was referred to House Committee on the Judiciary. Print of bill as introduced.
- Jan. 19, 1959 Rep. Baring introduced H. R. 2725 which was referred to House Committee on the Judiciary. Print of bill as introduced.
- June 15, 1959 Senator Mansfield introduced and discussed S. 2167 which was referred to Senate Committee on the Judiciary. Print of bill as introduced and remarks of Senator Mansfield.
- July 23, 1959 House subcommittee voted to report H. R. 2725.
- Aug. 11, 1959 House committee reported H. R. 2725 without amendment. House Report 833. Print of bill and House report.
- Aug. 17, 1959 House passed H. R. 2725 without amendment.
- Aug. 18, 1959 H. R. 2725 was referred to Senate Committee on the Judiciary. Print of bill as referred.
- Aug. 24, 1959 Senate committee reported H. R. 2725 without amendment. Senate Report 802. Print of bill and Senate report.
- Aug. 25, 1959 Senate passed H. R. 2725 without amendment.
- Sept. 8, 1959 Approved: Public Law 86-234.

DIGEST OF PUBLIC LAW 86-234

HUNTING OF WILD HORSES ON PUBLIC LANDS. Imposes criminal penalties for the use of aircraft or motor vehicles to hunt wild unbranded horses, mares, colts, or burros running at large on any public land or ranges, or for the pollution of any watering hole on public land or ranges for the purposes of trapping, killing, wounding, or maiming such animals.

86TH CONGRESS
1ST SESSION

H. R. 343

IN THE HOUSE OF REPRESENTATIVES

JANUARY 7, 1959

Mr. COAD introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend chapter 3 of title 18, United States Code, so as to prohibit capturing or killing wild horses for commercial slaughter on land belonging to the United States.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That (a) chapter 3 of title 18, United States Code, is
4 amended by adding at the end thereof the following new
5 section:

6 “§ 47. Capturing or killing wild horses for commercial
7 slaughter.

8 “Whoever, for commercial slaughter, or for resale for
9 commercial slaughter, captures or kills any wild horse run-
10 ning at large on any land belonging to the United States

1 shall be fined not more than \$500, or imprisoned not more
 2 than six months, or both.”

3 (b) The analysis of such chapter 3, immediately pre-
 4 ceding section 41, is amended by adding at the end thereof
 5 the following new item:

“47. Capturing or killing wild horses for commercial slaughter.”

86TH CONGRESS
 1ST SESSION

H. R. 343

A BILL

To amend chapter 3 of title 18, United States Code, so as to prohibit capturing or killing wild horses for commercial slaughter on land belonging to the United States.

By Mr. COAD

JANUARY 7, 1959

Referred to the Committee on the Judiciary

86TH CONGRESS
1ST SESSION

H. R. 2725

IN THE HOUSE OF REPRESENTATIVES

JANUARY 19, 1959

Mr. BARING introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend chapter 3 of title 18, United States Code, so as to prohibit the use of aircraft or motor vehicles to hunt certain wild horses or burros on land belonging to the United States, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 That (a) chapter 3 of title 18, United States Code, is
4 amended by adding at the end thereof the following new
5 section:

6 “§ 47. Use of aircraft or motor vehicles to hunt certain wild
7 horses or burros; pollution of watering holes

8 “(a) Whoever uses an aircraft or a motor vehicle to
9 hunt, for the purpose of capturing or killing, any wild un-

1 branded horse, mare, colt, or burro running at large on any
2 of the public land or ranges shall be fined not more than
3 \$500, or imprisoned not more than six months, or both.

4 “(b) Whoever pollutes or causes the pollution of any
5 watering hole on any of the public land or ranges for the
6 purpose of trapping, killing, wounding, or maiming any of
7 the animals referred to in subsection (a) of this section shall
8 be fined not more than \$500, or imprisoned not more than
9 six months, or both.

10 “(c) As used in subsection (a) of this section—

11 “(1) The term ‘aircraft’ means any contrivance used
12 for flight in the air; and

13 “(2) The term ‘motor vehicle’ includes an automobile,
14 automobile truck, automobile wagon, motorcycle, or any
15 other self-propelled vehicle designed for running on land.”

16 (b) The analysis of such chapter 3, immediately pre-
17 ceding section 41, is amended by adding at the end thereof
18 the following new item:

“47. Use of aircraft or motor vehicles to hunt certain wild horses or
burros.”

A BILL

To amend chapter 3 of title 18, United States Code, so as to prohibit the use of aircraft or motor vehicles to hunt certain wild horses or burros on land belonging to the United States, and for other purposes.

By Mr. BARING

JANUARY 19, 1959

Referred to the Committee on the Judiciary

86TH CONGRESS
1ST SESSION

S. 2167

IN THE SENATE OF THE UNITED STATES

JUNE 15, 1959

Mr. MANSFIELD (for himself, Mr. COOPER, Mr. MURRAY, Mr. NEUBERGER, Mr. BUSH, and Mr. CANNON) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To amend chapter 3 of title 18, United States Code, so as to prohibit the use of aircraft or motor vehicles to hunt certain wild horses or burros on land belonging to the United States, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 That (a) chapter 3 of title 18, United States Code, is
4 amended by adding at the end thereof the following new
5 section:

6 “§ 47. Use of aircraft or motor vehicles to hunt certain wild
7 horses or burros, pollution of watering holes

8 “(a) Whoever uses an aircraft or a motor vehicle to
9 hunt for the purpose of capturing or killing, any wild un-

1 branded horse, mare, colt, or burro running at large on any
2 of the public land or ranges shall be fined not more than
3 \$500, or imprisoned not more than six months, or both.

4 “(b) Whoever pollutes or causes the pollution of any
5 watering hole on any of the public land or ranges for the
6 purpose of trapping, killing, wounding, or maiming any of
7 the animals referred to in subsection (a) of this section
8 shall be fined not more than \$500, or imprisoned not more
9 than six months, or both.

10 “(c) As used in subsection (a) of this section—

11 “(1) The term ‘aircraft’ means any contrivance used for
12 flight in the air; and

13 “(2) The term ‘motor vehicle’ includes an automobile,
14 automobile truck, automobile wagon, motorcycle, or any
15 other self-propelled vehicle designed for running on land”.

16 (b) The analysis of such chapter 3, immediately preced-
17 ing section 41, is amended by adding at the end thereof
18 the following new item:

“47. Use of aircraft or motor vehicles to hunt certain wild horses or
burros.”

A BILL

To amend chapter 3 of title 18, United States Code, so as to prohibit the use of aircraft or motor vehicles to hunt certain wild horses or burros on land belonging to the United States, and for other purposes.

By Mr. MANSFIELD, Mr. COOPER, Mr. MURRAY,
Mr. NEUBERGER, Mr. BUSH, and Mr. CANNON

JUNE 15, 1959

Read twice and referred to the Committee on the
Judiciary

July 23, 1959

\$10,000,000) (H. Rept. 709) (pp. 12819-25)

As reported by the conferees, the bill appropriates \$4,000,000 for civil defense research and development. It appropriated \$152,773,000 for the National Science Foundation including funds for studies concerning weather modification, a feasibility study for a National Institute for Atmospheric Research, and dissemination of scientific information. For GSA, it authorizes \$3,230,000 for operating expenses for the strategic and critical materials stockpiling program, provides that total obligations of funds for the stockpiling shall not exceed \$50,000,000, and provides for the rescission of funds in the materials stockpiling program in excess of \$50,000,000 (pp. 12810-21)

17. **ELECTRIFICATION.** Agreed to a resolution, after voting 243 to 167 to consider the measure, providing for House concurrence in Senate amendments to H. R. 3460, the TVA self-financing bill. This bill will now be sent to the President (pp. 12796-818). Rep. Jones criticized an amendment which Rep. Davis, Tenn. said gives the Treasury "control over both timing and maximum rate of interest but requires that within 7 working days following the date on which he is advised of a proposed sale he must either approve the sale or furnish interim financing." Rep. Jones stated that this amendment "carries the principle of 'backdoor financing' to a ridiculous length, and that that he is opposed to that type of withdrawal of funds from the Treasury (pp. 12798, 12802). Rep. Andersen, Minn., stated that he opposed the enactment of this bill because "the enemies of REA would be in here citing this action as a precedent for REA" (p. 12803). Rep. Fenton criticized the bill because he said it "opens the door for new areas to demand and to be given TVA power" (p. 12833). Rep. Stratton expressed his displeasure at the Senate striking from the bill the Buy American provision. Rep. Davis, Tenn., stated that the provision is "unnecessary since TVA is already subject to the Buy American Act, and Rep. Smith, Miss., inserted a letter from TVA substantiating this (pp. 12797, 12798).
18. **MILK.** As reported S. 1289, to increase and extend the special milk program, increases by \$6 million (to \$81,000,000) in fiscal year 1960 and by \$9 million (to \$84 million) in fiscal year 1961, the maximum amount of CCC funds which may be used by this Department for the program.
19. **FARM LOANS; BANKING.** On July 21 the House Banking and Currency Committee reported without amendment H. R. 8160/ (H. Rept 693) The committee report describes certain provisions of this bill as follows:

"*** increases the limit on borrowing by national banks, from 100 percent of capital to 100 percent of capital plus 50 percent of surplus. Section 3 relates to the limit on loans by national banks to one borrower. Generally, this limit is now 10 percent of the bank's capital and surplus, but there are several exceptions. The bill makes further revisions in this limit, for loans secured by refrigerated or frozen foods, discounts by dealers in dairy cattle, loans secured by U. S. Government obligations, and discounts of consumer installment paper by dealers. Section 4 liberalizes some of the restrictions on real estate loans by national banks. The bill would allow national banks to make real estate loans up to 20 years, covering up to 75 percent of the appraised value of the real estate, if the loans are fully amortized. It would also permit loans on leaseholds that run at least 10 years beyond the loan maturity. Finally, it would relax certain existing restrictions on construction loans, exempt from the usual restrictions on real estate loans any loan fully guaranteed by a State or State authority, and allow a bank to take a mortgage as additional security on certain business loans without thereby becoming subject to the real estate loan restrictions. ***"

20. MUTUAL SECURITY. The Appropriations Committee was granted permission to file by midnight Friday, July 24, a report on the mutual security appropriation bill for 1960. p. 12795
21. FOREIGN AFFAIRS; ECONOMIC AID. Received from the President a communication transmitting a report on Economic Assistance entitled, "Programs and Administration," submitted to him by the President's Committee To Study the United States Military Assistance Program (Draper Committee) (p. 12859). A copy of the text of this report appearing in the New York Times shows one recommendation as follows: "A single agency should be made responsible for administering the major related economic assistance programs and activities now scattered among a number of departments and agencies in Washington."
Rep. Edmondson and others urged the adoption of a resolution to put into use the Great White Fleet in support of American foreign policy and Rep. Edmondson asked, "'how can we justify further delays in the use of our abundant food surpluses, to relieve the hunger of children all over the world?" and stated that these ships that are now standing idle could be used to transport our food surpluses abroad. pp. 12839-45
22. FARM LOANS. The Agriculture Committee reported without amendment H. R. 7629, to amend Sec. 17 of the Bankhead Jones Farm Tenant Act so as to continue indefinitely the authority of FHA to make real estate loans for refinancing farm debts (H. Rept. 707). p. 12859
23. COTTON. The Agriculture Committee voted to report (but did not actually report) with amendment H. R. 7740, to provide for the preservation of acreage history and the reallocation of unused cotton acreage allotments. p. D654
24. SURPLUS PROPERTY. A subcommittee of the Government Operations Committee voted to report to the full committee H. R. 3722, to amend the Federal Property and Administrative Services Act of 1949 to permit donations of surplus property to volunteer firefighting organizations. p. D655
25. WILDLIFE; LANDS. A subcommittee of the Judiciary Committee voted to report to the full committee H. R. 2725, to prohibit the use of aircraft or motor vehicles to hunt wild horses on land belonging to the United States. p. D655
26. INTEREST RATES. Rep. Byrnes, Wis., urged that the President's recommendations concerning the removal of the interest rate ceiling on certain Government Bonds be reported to the floor "so that a majority of the members can work their will," and urged support for such a bill, and Rep. Curtis and others commended and discussed the interest rate proposal. pp. 12845-50, 12853-5
27. FORESTRY. Rep. Porter expressed his thanks to the Forest Service and its junior forest ranger program which it started in 1953, commended these and other firefighting and prevention methods, stated that the Forest Service is "building better access roads to forest areas," and inserted two articles on the subject. pp. 12855-7
28. MINIMUM WAGE. Rep. Teller stated that "we ought forthwith to act on increasing the national minimum hourly wage to \$1.25 and extending the wage hour law to the 9 million working people who are now denied coverage under the present law." pp. 12858-9
29. LEGISLATIVE PROGRAM. Rep. McCormack announced that on Mon., July 27, the House would probably consider H. R. 7022, to provide for U. S. participation in the Inter-American Development Bank, that if the President signs the mutual security

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF
BUDGET AND FINANCE

(For Department
Staff Only)

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Issued August 12, 1959
For actions of August 11, 1959
86th-1st, No. 136

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HIGHLIGHTS: See page 7.

HOUSE

1. PUBLIC LAW 480. The Agriculture Committee voted to report (but did not actually report) H. R. 8609, to extend Public Law 480 until December 31, 1960. p. D745
2. FOOD STAMPS. The Agriculture Committee voted to report (but did not actually report) with amendment H. R. 1359, to provide for the establishment of a food stamp plan for the distribution of \$1 billion worth of surplus food commodities a year to needy persons in the United States. p. D745
3. WHEAT; FOREIGN AFFAIRS. The Banking and Currency Committee voted to report (but did not actually report) with "technical" amendment H. R. 8409, to amend the

International Wheat Agreement Act of 1949, as amended, to extend the authority contained in that Act until July 31, 1962. p. D745

4. ELECTRIFICATION; RECLAMATION. Passed without amendment S. 2471, to amend H. R. 3460 so as to delete a provision which would bar commitment for any TVA power construction until a proposal for such construction had been before Congress for 90 days without modifying action by concurrent resolution. The provision eliminated by this bill would have required TVA to submit its annual power construction program to the President who after making recommendations on the proposal would send it to Congress; changes could have been made by Congress through a concurrent resolution, not subject to Presidential veto. This bill will now be sent to the President. pp. 14167-71

The "Daily Digest" states that the Irrigation and Reclamation Subcommittee of the Interior and Insular Affairs Committee voted to recommend to the full committee the tabling of H. R. 5499 and H. R. 5521, to provide for the joint development of the waterpower resources of the Trinity River division, Central Valley project, Calif., by the U. S. and Pacific Gas and Electric Co. p. D745

5. PUBLIC WORKS APPROPRIATION BILL FOR 1960. The "Daily Digest" states that the conferees agreed to file a conference report on this bill, H. R. 7509. p. D746

6. ADMINISTRATIVE LAW. The Judiciary Committee voted to report (but did not actually report) H. R. 7559, to provide for reasonable notice of application to the U. S. courts of appeals for interlocutory relief against the orders of certain administrative agencies. p. D746

7. PERSONNEL; ACCOUNTING. The Judiciary Committee reported with amendment H. R. 7529, to provide that the Comptroller General, upon the recommendation of department heads, may waive indebtednesses growing out of erroneous payments to Federal employees, if such payment would be against equity (H. Rept. 830). p. 14240

The Post Office and Civil Service Committee reported with amendment H. R. 8241, to amend the Civil Service Retirement Act to set terms, conditions, and computation of annuities for retired Members of Congress who are reemployed by the Federal Government (H. Rept. 832). p. 14240

8. PAYROLLING. The Ways and Means Committee reported without amendment H. R. 3151, providing for withholding for taxes, by cities of 75,000 or more population, of Federal salaries (H. Rept. 872). p. 14240

9. WILDLIFE; LAND. The Judiciary Committee reported without amendment H. R. 2725, to prohibit the use of aircraft or motor vehicles to hunt wild horses on land belonging to the United States (H. Rept. 833). p. 14240

10. FEDERAL INSIGNIAS. The Judiciary Committee reported with amendment S. 355, to amend title 18 of the U.S.C. so as to prohibit the misuse by collecting agencies or private detective agencies of names, emblems, and insignia to indicate a Federal agency (H. Rept. 874). p. 14240

SENATE

11. FARM PROGRAM. Sen. Goldwater charged that Secretary Benson was "misquoted" in a hearing in which he was alleged to have promised to submit an omnibus farm bill and inserted excerpts from the official record to verify the point that no such promise was made. Sen. Symington stated that the record on the hearing was changed in the Department of Agriculture so that "it would not be necessary for him Secretary Benson to send up the omnibus farm bill which he

AMENDMENT OF TITLE 18, UNITED STATES CODE, TO PROHIBIT
THE USE OF AIRCRAFT OR MOTOR VEHICLES TO HUNT CERTAIN
WILD HORSES OR BURROS ON LAND BELONGING TO THE UNITED
STATES

AUGUST 11, 1959.—Referred to the House Calendar and ordered to be printed

Mr. LANE, from the Committee on the Judiciary, submitted the
following

R E P O R T

[To accompany H.R. 2725]

The Committee on the Judiciary, to whom was referred the bill (H.R. 2725) to amend chapter 3, of title 18, United States Code, so as to prohibit the use of aircraft or motor vehicles to hunt certain wild horses or burros on land belonging to the United States, and for other purposes, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE

The purpose of the proposed legislation is to amend chapter 3 of title 18, United States Code, by adding a new section 47 imposing criminal penalties for the use of an aircraft or motor vehicle in hunting any wild unbranded horse, mare, colt, or burro running at large on public land or ranges, with the purpose of capturing or killing those animals. The new section would similarly bar the pollution of any watering hole on public land or ranges for the purpose of trapping, killing, wounding, or maiming any of such animals.

STATEMENT

The new section 47 provided for in H.R. 2725 is required to protect the remnants of our once extensive herds of mustangs which still remain in the remote areas of our Western States, and to bar the cruelty which is an inseparable part of the mechanized methods which must be used in order to make the capture of these wild horses financially attractive.

The mustang played an important part in the history of the West. Indians and early pioneers captured and used wild horses, and these

horses were often necessary to their existence. As the West was settled the remnants of these wild horses sought out the remote canyons and high rimrock as their last refuge. Today the very existence of the last of the horses in a wild state on the public lands and ranges of the United States is endangered because their capture has become a commercially profitable venture. The use of the domestic horse on the farms and in the cities of the United States has declined to a low figure, for the horse has largely been replaced by other means of transportation and mechanical power. At the same time there has been a growing demand for horsemeat for pet food, and this demand became particularly marked in the years following World War II. As a result, the capture of wild horses for slaughter became a profitable proposition for the horse hunter. In Nevada alone in those years following World War II, more than 100,000 wild horses were removed from the State.

The traditional method of rounding up horses with crews of cowboys was too slow and costly for men bent on cashing this source of gain. They found that an airplane could be used to drive wild horses from their refuges in the rimrock to the flatlands where they could be captured. The method followed was to drive the mustangs from the rough and rugged rimrock at a breakneck speed. When these planes dive on the horses, the tendency of a group of horses is to scatter and attempt to hide. To counter this, a shotgun is commonly carried in the plane, and is used frequently to flush the horses from hiding and to keep them bunched and running in the direction desired by the hunters. After the horses have been driven onto the flatlands, they are chased by trucks, and are pursued to the point of exhaustion. Testimony before this committee establishes that one reprehensible, but effective, means of capture is to burden the exhausted horses at this point with heavy and terrifying devices, for example heavy truck tires, which are attached to them by skillful ropers operating from the trucks. At other times the horses may be driven into box canyons and cornered there. Fan-shaped trapping corrals are used where the horses are thrown into violent contact with the enclosing wires and suffer serious and painful injuries which in some cases have resulted in death from loss of blood. After capture the horses are sometimes tied and left where they lie until sufficient horses are obtained to begin loading operations. One method of tying is "sidelining" where a front and hind foot are tied together, and when the animal struggles its legs become severely "burned" or rubbed raw by the rope. In loading the horses on trucks to transport them to slaughter, they are dragged up a ramp by saddle horses.

Witnesses before the committee have testified that as a result of these methods of capture, colts often are left behind where they have little hope of survival. Apparently the men engaged in the activity do not feel that the colts are of sufficient weight to justify the haul to the processing centers. These suppliers are paid by the pound, and other than that the horses be ambulatory the condition of the horses at the processing center is apparently not important.

The Department of Agriculture has stated to the committee in its report on this bill that it "is sympathetic toward the objective of the bills to use humane methods of hunting wild horses" but asks that a proviso be included so that the Federal Government will be allowed to engage in the activities defined as criminal under the new section.

The Department of the Interior states that it is opposed to "any form of cruelty, poisoning, or indiscriminate slaughter" of the animals with which H.R. 2725 and its companion bills are concerned. However, that Department also urges the inclusion of a proviso which would have the effect of providing an exception for Federal activity. This proviso would permit the very activities made criminal by subsection (a) of the new section to be carried on by the Government or its permittees. The language recommended by the departments for addition to subsection (a) is as follows:

: *Provided*, That the aforesaid activities may be permitted, for purposes of carrying out Federal responsibilities, by the particular Federal land management agency responsible for management of the said public land or ranges, or such Federal agency may authorize such activities in accordance with the terms and conditions of permits issued by such agency.

The committee has carefully weighed this suggestion, and has concluded that the amendment cannot be included. The insertion of a proviso of this sort would have the effect of all but destroying the effectiveness of the legislation. Its impact as a criminal statute would be seriously weakened by the fact that the Government would be empowered to engage in the proscribed activities. The provision for similar immunity for those granted Federal permits is objectionable for the same reason. This section would be included in title 18, "Crimes and Criminal Procedure" of the United States Code, and would be a criminal statute. A reading of the reports of the Agriculture and Interior Departments in this connection discloses that these Departments are properly concerned with range management. However, this committee feels that this emphasis has led those Departments to misconstrue the purpose and effect of the provisions of H.R. 2725. The exception urged by the Departments is devoid of standards as a guide for the activities there concerned. As a matter of fact, it is very difficult to see how sufficient standards could be drafted to convert criminal activity under the general terms of the subsection to accepted practice under the exception.

The committee has considered the question of potential overgrazing of public lands as it may relate to the horses receiving protection from this legislation. At the hearing on the bill, the Government witnesses agreed that the numbers of wild horses at large on public lands have dropped to a low figure because of the removal operations which have been conducted in recent years. Mrs. Velma B. Johnston, of Wadsworth, Nev., one of the principal witnesses at the hearing on the bill, stated concerning the numbers of these horses and the conditions under which they now exist:

Today's wild horse is not the glamorous mustang of long ago—the fiercely proud, valiant, and beautiful animal that roamed our western country when this century was young. He is, for the most part, underfed, scrubby, and inbred. Since he has become the target for wholesale mechanized roundups, he has been driven almost from the face of the earth, and has had to split up into small bands, and live where forage is scarce. He has been pushed to environments where no horse should be able to endure, yet he has adapted to that environment and, with barely a fighting chance, has

survived. His habitat is high in remote areas where other livestock does not run, and he comes down only when driven to by lack of feed and water. For this, he is pursued and captured.

It is therefore apparent that the existence of these widely scattered small bands of wild horses on public lands is not a pressing problem. While the argument of the Department of the Interior is couched in terms of conservation, it is difficult to discern just where that Department would draw the line and permit wild horses to exist with at least a degree of protection by the United States. Mr. Gerald Kerr, range staff officer of the Bureau of Land Management stated at the hearing on the bill:

It is our firm belief that there is little danger that either the "wild horses" or burros will be exterminated. The horses now described as wild are animals that were turned loose or escaped from their owners. This escape or release process is going on constantly. There is a general tendency for the wild herds to increase in numbers from this source and from reproduction. It is the purpose of the Bureau of Land Management to prevent the growth of these herds to such numbers as to provide serious competition with game animals and permitted livestock. There is no need, however, nor intent to exterminate them.

Yet the Department's attitude toward the wild horses at large on public lands is such that it is not clear whether any horse would be regarded as entitled to protection. The same witness stated:

Wild horses, as such, do not exist on public lands today. The unclaimed and abandoned horses now using the Federal ranges are remnants of extensive horse ranch operations which were conducted on the public ranges of the West until the early 1930's.

Apparently the Department's reference to the "wild horse" has particular reference to the descendants of Arabian-Andalusian horses introduced to our continent by the early Spanish explorers, and the Department's view would apparently rule out horses which might be traced to stock which might have been used on ranches or farms in years past. Here again the approach of the Department has all but ignored the purpose of this bill which is to accord protection to any unbranded horse, mare, colt, or burro running at large on the public land or ranges. These horses exist in a wild state. As noted above in the statement of the Department's witness, these horses maintain their numbers from reproduction, as well as from addition of some strays. The testimony of Mrs. Johnston adequately shows that the horses existing in the wild have the physical characteristics and qualities which have long been associated with the horse known as the mustang. There should be no problem with identifying the animals entitled to the protection of the new section proposed in the bill.

The committee has concluded that there is a clear-cut requirement for the Congress to act. The record of the hearing on H.R. 2725 contains a letter from Sheriff C. W. (Bud) Young of Washoe County, Nev., expressing his support for legislation prohibiting the use of

aircraft or motor vehicles in hunting wild horses. Sheriff Young urged Federal legislation with these words:

The present Federal law is definitely inadequate to prosecute violators and while it is true that we do have a State law, because of legal opinion, the Federal law takes precedence, which therefore—again—brings us to the point where violators cannot be prosecuted to the fullest extent necessary.

The Nevada law contains language which is very similar to that contained in H.R. 2725. However it must be noted that the following language of the Nevada statute contains language which would grant precedence to Federal law, and therefore the need for Federal legislation is clearly demonstrated. The relevant section of Nevada law is as follows:

569.420 Hunting of wild horses, burros by aircraft, motor vehicles unlawful; pollution of watering holes to aid capture unlawful.

1. It shall be unlawful for any person, under the provisions of NRS 569.360 to 569.430, inclusive—

(a) To hunt wild horses, mares, colts, or burros by means of airborne vehicles of any kind or motor-driven vehicles of any kind.

(b) To pollute watering holes in order to trap, kill, wound, or maim such animals.

2. The provisions of NRS 569.360 to 569.430, inclusive, shall not be construed to conflict with the provisions of any Federal law or regulation governing the hunting or driving of horses, mares, colts, or burros by means of airborne or motor-driven vehicles (3.5:95:1913; added 1955, 254).

ANALYSIS OF THE BILL

Subsection (a) of the bill provides for the addition of a new section 47 to chapter 3, "Animals, Birds, Fish, and Plants," of title 18 of the United States Code. The new section is divided into three subsections.

Subsection (a) of the new section

Subsection (a) is the subsection barring the use of aircraft or motor vehicles in the capture or killing of "any wild unbranded horse, mare, colt, or burro running at large on any of the public land or ranges." The quoted words clearly define the horses and burros protected by this provision. The word "wild" refers to horses or burros existing in a wild or free state on public lands. The language used is broad enough to apply to any horse or burro existing in a free or wild state on public land or ranges, and this plus the requirement that they be unbranded is sufficient to differentiate these horses from horses whose ownership can be traced to some individual. It should be noted that this classification does not rest upon the origin of the horses in terms of bloodlines or similar technical limitations. Rather the committee feels that this subsection contains objective standards for the identifying of the animals concerned. The subsection further provides for a penalty of a \$500 fine or 6 months' imprisonment or both for the violation of these provisions.

Subsection (b) of the new section

Subsection (b) would bar the pollution of any watering hole on public land or ranges with the purpose of trapping, killing, wounding, or maiming any of the animals referred to in subsection (a). This language would serve to further protect these wild horses and burros from persons using these means of capturing them. A penalty of \$500 or 6 months' imprisonment or both is also provided for the violation of the provisions of this subsection.

Subsection (c) of the new section

Subsection (c) defines the terms "aircraft" and "motor vehicle" in broad language. "Aircraft" is defined as any contrivance used for flight in the air. "Motor vehicle" is defined as any self-propelled vehicle designed for running on land including, but not limited to, automobiles, automobile trucks, automobile wagons, or motorcycles.

Subsection (b) of the bill provides for the amendment of the analysis of chapter 3 of title 18 so as to include the catchline of new section 47.

CONCLUSION

The testimony received by this committee in connection with the hearing on this bill, and the evidence presented in support of the legislation clearly shows a need for legislative action. The committee therefore recommends that the bill H.R. 2725 be considered favorably.

DEPARTMENT OF AGRICULTURE,
Washington, D.C., July 6, 1959.

HON. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR CONGRESSMAN CELLER: We desire to volunteer our comments on H.R. 2725, H.R. 4289, and H.R. 7531, identical bills, to amend chapter 3 of title 18, United States Code, so as to prohibit the use of aircraft or motor vehicles to hunt certain wild horses or burros on land belonging to the United States, and for other purposes.

This Department has no objection to these bills if amended as recommended herein.

H.R. 2725, H.R. 4289, and H.R. 7531 would prohibit on any of the public land or ranges (1) the use of aircraft or motor vehicles to hunt for the purpose of capturing or killing, any wild unbranded horse, mare, colt, or burro running at large, and (2) polluting any watering hole for the purpose of trapping, killing, wounding, or maiming any of such animals. Any person violating either such prohibition would be subject to a fine of not more than \$500, or imprisonment for a period of not more than 6 months, or both.

Among the lands administered by this Department are 181 million acres of national forests. The 148 national forests are in 39 States and Puerto Rico, being mostly in the West. These Federal properties are developed and managed under the principles of multiple use and a sustained yield of products and services. They yield water, timber, forage, recreation, game and other wildlife, and minerals. Development and management of the 65 million acres of national-forest rangelands requires control of the number of animals covered by the bills in order to protect the soil, forage, water yield, and interest of

other users. There often are instances in the administration of grazing on the public lands when there is a need to reduce the number of animals covered by the bills.

This Department is sympathetic toward the objective of the bills to use humane methods of hunting wild horses. The Federal Government, however, should not be precluded from protecting its land and the resources thereof from damage. Accordingly, we recommend that the bills be amended so that the prohibition in the new section 47 to chapter 3 of title 18, United States Code, would not apply to Federal agencies administering the public lands, and persons authorized by contract or agreement with such Federal agencies, where there is need to protect the public land and its resources from damage by such animals.

Language to accomplish this amendment follows:

Page 2, line 3, change the period to a colon, and add:

"Provided, That the aforesaid activities may be permitted, for purposes of carrying out Federal responsibilities, by the particular Federal land management agency responsibility for management of the said public land or ranges, or such Federal agency may authorize such activities in accordance with the terms and conditions of permits issued by such agency."

The Bureau of the Budget advises that there is no objection to the submission of this report.

Sincerely yours,

TRUE D. MORSE,
Acting Secretary.

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., June 19, 1959.

HON. EMANUEL CELLER,
*Chairman, Committee on the Judiciary,
House of Representatives, Washington, D.C.*

DEAR MR. CELLER: Your committee has requested reports on H.R. 2725, H.R. 7531, and H.R. 4289, identical bills to amend chapter 3 of title 18, United States Code, so as to prohibit the use of aircraft or motor vehicles to hunt certain wild horses or burros on land belonging to the United States, and for other purposes. These bills would establish penalties where an aircraft or motor vehicle is used to hunt, for the purpose of capturing or killing any wild unbranded horse, mare, colt, or burro running at large on any of the public land or ranges. These bills provide also that whoever pollutes or causes the pollution of any water holes on any of the public land or ranges for the purposes of trapping, killing, wounding, or maiming any of these animals shall be subject to the penalty prescribed.

We have no objection to the enactment of this proposed legislation, if amended as hereafter recommended in this report.

We are opposed to any form of cruelty, poisoning, or indiscriminate slaughter of the animals to which these bills refer. The current problem to which these bills are directed arises from so-called bootleg horse gathering operations that are not sanctioned by permit from the proper law-enforcement agencies of the States. We are in agreement that such operations should be halted although the primary

responsibility for control rests with the State. We believe that cattlemen are anxious that bootleg operations be stopped since such gatherings sometimes include unbranded progeny of range horses that are under permit to graze on the Federal range. Under proper supervision, rounding up horses by plane is the most humane method of removing such horses from the range. The operation is over in a matter of hours and the horses can be corralled before they are exhausted from constant running. Under the Nevada law, Federal agencies are exempted from the prohibition against planes and motorized vehicles in removing horses from the range. The older method employed in gathering such animals was the use of relay riders who pursued the horse bands and kept them from water until they could finally be trapped.

Because of the vast areas of rugged public domain land, the use of aircraft is a vital necessity in patrolling the range, establishing trespass, counting livestock, scouting fires, etc. Prohibiting the use of aircraft for one purpose might leave room for doubt as to the intent of a Federal agency in employing aircraft for other necessary functions. The present authority under which we operate in regulating the use of the Federal range does not include any means of establishing ownership of these animals. This is an authority vested in the State and enforced by the State brand inspector. Even then it is an extremely difficult matter to handle, since an unbranded animal can be claimed as progeny of branded stock owned by the horse runner. In roundups conducted by our Bureau of Land Management, humane treatment of animals is consistently required. However, we do not have any control over private operators who may be gathering horses claimed as their own or are rounding up horses under permit issued by the local board of county commissioners.

These bills would prohibit the activities in question on any of the "public land or ranges." To the extent that such bills might be construed as being applicable to the national wildlife refuges and certain other Federal reservations, the enactment of such proposal in its present form, would seriously impede efforts to exercise control of unbranded horses and burros running at large on these Federal reservations. This would contribute to range deterioration and complicate the effective management of the wildlife refuges for the protection of the wildlife species for which they are dedicated. Also, it would increase administrative costs to hold these animals in check.

Horses frequently become separated from private herds and revert to the wild. Burros are found in many places throughout the Western States. The consequent destruction of habitat which normally results constitutes a situation that is inimical to wildlife and management efforts. Unattended animals soon increase beyond the carrying capacity of the range and cause excessive competition with wildlife species dependent upon forage resources. Reduction measures are necessary in some places to hold the numbers in check and to minimize the competition of these animals with important wildlife forms.

In our opinion, there is little danger that either the wild horses or burros will be exterminated, and we do not recommend or desire a control program to accomplish such an end. There is a never-ending escape or release of horses from herds ranging on the public lands that will provide a continued supply to the wild so as to retain one of the picturesque features of the West. The wily burro is not in danger

of becoming extinct since it is normally found over vast areas individually or in small groups. Their extermination would be an extremely expensive undertaking.

In the circumstances, a prohibition on the use of aircraft or motor vehicles by Federal agencies would nullify our efforts to exercise management control over unbranded horses and burros running at large on Federal lands. An amendment to this proposal, therefore, would be desirable. Accordingly, we recommend that these bills be amended on page 2, line 3, by striking out the period at the end of the line and inserting in lieu thereof the following:

“: *Provided*, That the aforesaid activities may be permitted, for purposes of carrying out Federal responsibilities, by the particular Federal land management agency responsible for management of the said public land or ranges, or such Federal agency may authorize such activities in accordance with the terms and conditions of permits issued by such agency.”

We have been advised by the Bureau of the Budget that there is no objection to the submission of this report to your committee.

Sincerely yours,

ELMER F. BENNETT,
Acting Secretary of the Interior.

CHANGES IN EXISTING LAW

In compliance with paragraph 2 of clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in *italic*, existing law in which no change is proposed is shown in roman):

TITLE 18—CRIMES AND CRIMINAL PROCEDURE

* * * * *

CHAPTER 3. ANIMALS, BIRDS, FISH, AND PLANTS

Sec.

* * * * *

47. *Use of aircraft or motor vehicles to hunt certain wild horses or burros.*

* * * * *

§ 47. *Use of aircraft or motor vehicles to hunt certain wild horses or burros; pollution of watering holes*

(a) *Whoever uses an aircraft or a motor vehicles to hunt, for the purpose of capturing or killing, any wild unbranded horse, mare, colt, or burro running at large on any of the public land or ranges shall be fined not more than \$500, or imprisoned not more than six months, or both.*

(b) *Whoever pollutes or causes the pollution of any watering hole on any of the public land or ranges for the purpose of trapping, killing, wounding, or maiming any of the animals referred to in subsection (a) of this section shall be fined not more than \$500, or imprisoned not more than six months, or both.*

(c) *As used in subsection (a) of this section—*

(1) *The term “aircraft” means any contrivance used for flight in the air; and*

(2) *The term “motor vehicle” includes an automobile, automobile truck, automoble wagon, motorcycle, or any other self-propelled vehicle designed for running on land.*

House Calendar No. 135

86TH CONGRESS
1ST SESSION

H. R. 2725

[Report No. 833]

IN THE HOUSE OF REPRESENTATIVES

JANUARY 19, 1959

Mr. BARING introduced the following bill; which was referred to the Committee on the Judiciary

AUGUST 11, 1959

Referred to the House Calendar and ordered to be printed

A BILL

To amend chapter 3 of title 18, United States Code, so as to prohibit the use of aircraft or motor vehicles to hunt certain wild horses or burros on land belonging to the United States, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 That (a) chapter 3 of title 18, United States Code, is
4 amended by adding at the end thereof the following new
5 section:

6 “§ 47. Use of aircraft or motor vehicles to hunt certain wild
7 horses or burros; pollution of watering holes

8 “(a) Whoever uses an aircraft or a motor vehicle to
9 hunt, for the purpose of capturing or killing, any wild un-

1 branded horse, mare, colt, or burro running at large on any
2 of the public land or ranges shall be fined not more than
3 \$500, or imprisoned not more than six months, or both.

4 “(b) Whoever pollutes or causes the pollution of any
5 watering hole on any of the public land or ranges for the
6 purpose of trapping, killing, wounding, or maiming any of
7 the animals referred to in subsection (a) of this section shall
8 be fined not more than \$500, or imprisoned not more than
9 six months, or both.

10 “(c) As used in subsection (a) of this section—

11 “(1) The term ‘aircraft’ means any contrivance used
12 for flight in the air; and

13 “(2) The term ‘motor vehicle’ includes an automobile,
14 automobile truck, automobile wagon, motorcycle, or any
15 other self-propelled vehicle designed for running on land.”

16 (b) The analysis of such chapter 3, immediately pre-
17 ceding section 41, is amended by adding at the end thereof
18 the following new item:

“47. Use of aircraft or motor vehicles to hunt certain wild horses or
burros.”

A BILL

To amend chapter 3 of title 18, United States Code, so as to prohibit the use of aircraft or motor vehicles to hunt certain wild horses or burros on land belonging to the United States, and for other purposes.

By Mr. Baring

JANUARY 19, 1959

Referred to the Committee on the Judiciary

AUGUST 11, 1959

Referred to the House Calendar and ordered to be
printed

Aug 17, 1959

11. FOREIGN TRADE; SURPLUS COMMODITIES. The Agriculture Committee reported without amendment H. R. 8609, to extend Public Law 480 (Aug. 15, H. Rept. 908) (p. 14745). For excerpts from committee report and summary of bill see end of this Digest.
12. INTERGOVERNMENTAL RELATIONS. Passed, 335 to 31, under suspension of the rules H. R. 6904, to establish an Advisory Commission on Intergovernmental Relations (pp. 14697-709). Rep. Fountain stated that "The Commission would serve in an advisory capacity to the President, to the Congress, and to State and local government. Its function would be to provide information and to make recommendations for the purpose of facilitating sound governmental policies with respect to intergovernmental activities and problems. The Commission would have no administrative responsibilities." (p. 14699)
13. COCONUT OIL. Passed over, at the request of Rep. Pelly, H. J. Res. 441, to authorize the disposition of approximately 265 million pounds of coconut oil from the national stockpile. p. 14681
14. LANDS; LEASING; MINERALS. Received the President's veto message on H. R. 6940, to increase the number of acres in Alaska that may be held by any one individual or firm under oil and gas leases or options pursuant to the Mineral Leasing Act, stating that the bill "would tend to produce an excessive concentration of control over such potential resources" (H. Doc. 214); referred to the Interior and Insular Affairs Committee. pp. 14680-1
Conferees were appointed on H. R. 6939, to increase the area of public lands in Alaska which may be held under coal lease by any one person or firm. Senate conferees have not yet been appointed. p. 14736
15. RECREATION; LANDS. Passed with amendment S. 1436 in lieu of H. R. 5412, to provide that lands conveyed under the Recreation Act of 1926 for State park purposes shall not be subject to the 640 acre limitation. The House previously passed as reported H. R. 5412, and then substituted the provisions of H. R. 5412 as passed for those in S. 1436. p. 14682
16. PERSONNEL; ACCOUNTING. Passed as reported H. R. 7529, to provide that the Comptroller General, upon the recommendation of department heads, may waive indebtedness growing out of erroneous payments to Federal employees, if such payment would be against equity. p. 14689
Passed as reported H. R. 8241, to amend the Civil Service Retirement Act so as to set terms, conditions, and computation of annuities for retired Members of Congress who are reemployed by the Federal Government. p. 14690
17. FEDERAL INSIGNIA. Passed as reported S. 355, to amend title 18 of the U. S. Code so as to prohibit the misuse by collecting agencies or private detective agencies of names, emblems, and insignia to indicate a Federal agency. p. 14691
18. ADMINISTRATIVE LAW. Passed without amendment H. R. 7559, to provide for a reasonable notice of applications to the U. S. courts of appeals for interlocutory relief against the orders of certain administrative agencies. p. 14692
19. FORESTRY. Received from the Secretary of the Army and the Secretary of Agriculture "a notice of the intention of the Department of the Army and the Department of Agriculture to interchange jurisdiction of lands within the Lucky Peak Reservoir project, Idaho, and the Boise National Forest" as authorized by Public Law 804, 84th Congress. p. 14745

20. SCIENCE; RESEARCH. Passed over, at the request of Rep. Gross, H. R. 6288, to establish a National Order of Science to provide recognition for individuals who make outstanding contributions in science and engineering. p. 14688
Passed with amendments H. R. 8284, to make various amendments to the National Science Foundation Act (pp. 14692-4). The bill includes provisions relating to the initiation, and support of, and granting of scholarships for, basic research in the physical, biological and other sciences. (pp. 14693-4).
21. WILDLIFE. Passed without amendment H. R. 2725, to prohibit the use of aircraft or motor vehicles to hunt certain wild horses or burros on land belonging to the U. S. pp. 14690-1
Passed over, at the request of Rep. Rivers, H. R. 2565, to promote effectual planning, development, maintenance and coordination of wildlife, fish, and game conservation and rehabilitation in military reservations. Rep. Rivers, earlier in the day, objected to the consideration of this bill but later withdrew his objection. pp. 14684-5
Passed over, at the request of Rep. Aspinall, H. R. 7045, to authorize the establishment of the Arctic Wildlife Range, Alaska. p. 14685
22. TRANSPORTATION. Passed without amendment H. R. 5067, to repeal section 217 of the Merchant Marine Act, 1936, which authorizes the Department of Commerce to coordinate foreign trade activities of the Federal agencies and private firms (p. 14685). The report on the bill states that war freight forwarders have taken the position that Government agencies must use their services even if such services are unnecessary (citing this section as justification for their position) and stated that the section to be repealed by this bill was enacted to assist the freight forwarding industry during World War II.
Passed, under suspension of the rules, H. R. 5068, to amend the Shipping Act of 1916 to provide for licensing independent freight forwarders. pp. 14715-7, 14685
23. LEGISLATIVE BRANCH APPROPRIATIONS FOR 1960. Agreed to the further conference report on this bill, H. R. 7453. p. 14680
24. LEGISLATIVE PROGRAM. In addition to the bill listed in the legislative program in Digest 139, Rep. McCormack announced the following bills will also be considered today, Aug. 18: H. R. 2886, import duties on silk yarn, and H. R. 7456, import duty on casein. p. 14738

ITEMS IN APPENDIX

25. SURPLUS COMMODITIES. Extension of remarks of Rep. Irwin inserting excerpts from the testimony of the program director for the Save the Children Federation in behalf of a suggestion that the United Nations should assume a role of "great importance" with respect to the use of commodities. pp. A7053-4
Extension of remarks of Sen. Neuberger in support of the proposal for a Great White Fleet to distribute surplus foods to the needy of the world and inserting an address, "From Mothballs to Mercy Missions." pp. A7063-5
26. SURPLUS PROPERTY. Extension of remarks of Rep. McCormack commending the surplus property disposal program and inserting a NEW press release including a State-by-State list of real and personal property distributed, April - June 1959. pp. A7055-6
27. COTTON. Rep. Roberts inserted an Ala. State Legislature resolution commending the Congress on the passage of the cotton acreage allotment bill. p. A7058

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in order to enhance the setting and to promote the public appreciation and enjoyment of the San Juan National Historic Site, the Secretary of the Interior is authorized, in his discretion, to convey to the municipality of San Juan, Puerto Rico, that certain tract of land described below: *Provided,* That in exchange therefor and in accordance with the requirements hereinafter set forth, the municipality shall develop and thereafter maintain such tract for public recreational purposes only, in accordance with such plans as may be approved by the Secretary which shall complement and enhance the national historic site.

Beginning at point 1 which is at the northwesterly corner of Tetuan and Santo Cristo Streets, thence south 85 degrees 48 minutes west, 56.6 feet to point 2; thence north 6 degrees 46 minutes west, 15.3 feet to point 3; thence north 80 degrees 35 minutes east, 4.0 feet to point 4; thence north 7 degrees 42 minutes west, 22.7 feet to point 5; thence south 81 degrees 07 minutes west, 57.5 feet to point 6; thence south 10 degrees 07 minutes east, 9.5 feet to point 7; thence south 78 degrees 26 minutes west, 149.2 feet to point 8; thence south 78 degrees 26 minutes west, 17.5 feet to a point located 5 feet east of the retaining wall for access road to Conception Bastion; thence south 11 degrees 11 minutes east, 30 feet to a point 0.75 feet north of the north edge of the scarf wall; thence northeasterly in a straight line 260.13 feet, more or less, to a point on the Capilla del Cristo Building 2.0 feet north of the scarf wall; thence along the wall of said building north 4 degrees 06 minutes east, 7.95 feet to a corner of the said Capilla del Cristo Building; thence still along said building north 85 degrees 54 minutes east, 13.6 feet to the westerly line of Santo Cristo Street, produced; thence along the line of said street north 11 degrees 97 minutes west, 18.1 feet to the point or place of beginning, already described, comprising an area of 0.36 acres, more or less, and being a portion of the 0.54-acre tract accepted by the Department of the Interior by transfer from the Secretary of the Army on February 15, 1956.

SEC. 2. The deed effecting the conveyance and exchange authorized by the first section of this Act shall include but need not be limited to the following conditions:

(a) Prohibit use of the premises as an outdoor dining facility or for any other comparable purpose that, as may be determined by the Secretary of the Interior, would interfere with the use of the area as a public park;

(b) Reserve permanently to the United States, for the purpose of maintaining and preserving the old city wall, a right or rights of access to the said wall through the conveyed property;

(c) Reserve permanently to the United States all right, title, and interest in and to the vaults and tunnels connected to the old city wall and extending in part under the property to be conveyed, together with all rights of ingress and egress thereto; and

(d) Provide that in the event the municipality of San Juan, Puerto Rico, does not proceed with the development of the aforesaid area as a public park and promenade for the benefit and enjoyment of the people in a manner and period of time satisfactory to the Secretary of the Interior, or if the municipality ceases to use the said area for the purposes for which it was conveyed, as determined by the Secretary of the Interior, all or any portion thereof, not so utilized, in its then existing condition, shall, upon a declaration to that effect by the Secretary, revert to the United States.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

FORT MYERS, FLA., AND LEE COUNTY, FLA.

The Clerk called the bill (S. 1330) for the relief of the city of Fort Myers, Fla., and Lee County, Fla.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That paragraph (a) of the first section of the Act entitled "An Act for the relief of the city of Fort Myers, Florida, and Lee County, Florida", approved July 22, 1958 (72 Stat. 401), is amended by striking out "\$137,997.64" and inserting in lieu thereof "\$141,997.64".

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

WAIVER OF COLLECTION OF CERTAIN ERRONEOUS PAYMENTS MADE BY THE FEDERAL GOVERNMENT TO CERTAIN CIVILIAN AND MILITARY PERSONNEL

The Clerk called the bill (H.R. 7529) to authorize the waiver of collection of certain erroneous payments made by the Federal Government to certain civilian and military personnel.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. PELLY. Mr. Speaker, reserving the right to object, I would like to inquire of the author of the bill or someone as to whether or not the provision made in this bill as amended calls for a cut-off date. I understand the Attorney General favors the principle of the bill, but recommends that the date of enactment be the cut-off date.

Mr. LANE. Mr. Speaker, will the gentleman yield?

Mr. PELLY. I yield to the gentleman from Massachusetts.

Mr. LANE. May I answer the gentleman by saying that the subcommittee gave this matter considerable attention, and we felt there ought to be a cut-off date. The bill has a reasonable amount of retroactive effect and for that reason we placed a cut-off date as of June 30, 1950.

Mr. PELLY. May I inquire of the gentleman as to whether the amendment does not read that the indebtedness growing out of erroneous payments made after June 30, 1950? That is not a cut-off date, it is a starting date.

Mr. LANE. May I say to the gentleman that even with this legislation many of these claim private bills will still have to come before the committee. This subject matter came to us as a result of the number of these private bills that the Committee on the Judiciary struggles with from year to year. There were 289 of them in the last Congress,

and 37 of them became the law. We felt the enactment of this bill makes possible the development of a uniform standard of procedure and would make for a rapid, fair and reasonable disposition of all these claims that are pending.

May I say further to the gentleman that after all none of these claims will be approved unless they come with the favorable recommendation of the Department; and, secondly, approval by the Comptroller General is mandatory. So there are certain precautions that your committee has taken.

Mr. PELLY. On the understanding that the cut-off date actually is June 30, 1950, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, (a) That the Comptroller General, upon the recommendation of the heads of departments, agencies, or establishments concerned, or such subordinates as they may designate, and a showing that collection would be against equity and good conscience, may waive indebtedness growing out of erroneous payments of money to any civilian employee of the Government or to any member of the military or naval forces of the United States.

(b) As used in this Act the term "Employee" shall include any civilian officer or employee or former civilian officer or employee of the Government and any member or former member of the military or naval forces of the United States.

(c) The relief provided herein shall apply to determinations of indebtedness made after effective date of this Act.

With the following committee amendments:

Page 2, lines 6 and 7, strike "determinations of indebtedness made after the effective date of this Act" and insert "indebtednesses growing out of erroneous payments made after June 30, 1950."

Page 2, insert new subparagraph (d) as follows:

"(d) This Act shall not apply in any case where the indebtedness may be remitted, or its recovery waived, under 10 U.S.C. § 4837 (d); 10 U.S.C. § 9837 (d); 38 U.S.C. § 302 (a); sections 10, 11, and 13 of the Dependents Assistance Act of 1950, 64 Stat. 796, 797; or any other provision of law."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

EXPENSES OF STORAGE OF HOUSEHOLD EFFECTS—NAVY

The Clerk called the bill (H.R. 8106) to provide for the relief of certain members and former members of the Department of the Navy for the expenses of temporary storage of household effects.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. GROSS. Mr. Speaker, reserving the right to object, I wonder if there is someone who could explain this mistake? I do not believe I will object to this bill, but I would like to know who made this mistake.

Mr. LANE. Mr. Speaker, if the gentleman will yield, may I say to the gentleman that it was the understanding of the Department of Defense that this matter could be taken care of in that fashion. This was sent to us as an executive communication. It has been necessary to validate the action of the Navy over the years, from away back in 1949 to April 1954. In that period, may I say to the gentleman from Iowa, the Navy followed certain set policies and procedures in providing for commercial storage of these household effects of our servicemen who had their stations changed from time to time.

Mr. GROSS. I do not want to take the time of the House. I understand the purpose of the bill and I think it is a worthy purpose, but I wonder why the committee did not find out who made the mistake originally in misinterpreting the law. It seems to me that we ought to ascertain who makes these mistakes and penalize those responsible. Then, perhaps, we would not have so much of this kind of legislation before us.

Mr. LANE. I quite agree with the gentleman from Iowa.

Mr. GROSS. Well, did you inquire into it when you handled this bill?

Mr. LANE. That is a very worthy suggestion.

Mr. GROSS. I withdraw my reservation of objection, Mr. Speaker.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) notwithstanding any law, all payments made for services rendered before April 17, 1954, for the temporary storage of the household effects of members of the Navy, which were temporarily stored in commercial facilities after April 20, 1949, under the provisions of Executive Order 10053 or of the Joint Travel Regulations of the uniformed services, whether paid directly or as reimbursement to the member, are validated to the extent that they were paid.

(b) Any member or former member of the Navy or his legal representative who, directly or by set-off, has repaid the United States for an amount paid by it for services rendered after April 20, 1949, but before April 17, 1954, for the temporary storage of his household effects in commercial facilities, is entitled to be paid the amount involved, if otherwise proper, from the account to which the repayment was credited, or if that account is not available, from appropriations available for the refund of any amounts erroneously collected.

SEC. 2. In the audit and settlement of accounts of disbursing and certifying officers, full credit shall be given for amounts for which liability is relieved under this Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

REEMPLOYMENT OF RETIRED MEMBERS OF CONGRESS

The clerk called the bill (H.R. 8241) to amend certain provisions of the Civil Service Retirement Act relating to the reemployment of former Members of Congress.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. HALEY. Mr. Speaker, reserving the right to object, I wonder if some member of the committee would give us an explanation of this bill.

Mr. FOLEY. Mr. Speaker, will the gentleman yield?

Mr. HALEY. I yield to the gentleman from Maryland.

Mr. FOLEY. Mr. Speaker, this bill was introduced by the gentleman from New Jersey [Mr. WALLHAUSER]. I am wondering if Mr. WALLHAUSER is here at the present time. I would like to ask him to go into it and then I would have further comments, if necessary.

Mr. WALLHAUSER. Mr. Speaker, will the gentleman yield?

Mr. HALEY. I yield to the gentleman from New Jersey.

Mr. WALLHAUSER. In explanation of this bill, I might say that under the present law a Member of Congress who serves, after retirement, in an appointive or elective position, or on an intermittent basis, or without compensation forfeits his annuity while he is serving. This bill seeks to correct that inequity and give him credit for the service that he rendered in the other capacity.

Mr. HALEY. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 9(c) of the Civil Service Retirement Act (5 U.S.C. 2259(c)) is amended—

(1) by striking out "The annuity of a Member retiring under this Act" and inserting in lieu thereof "The annuity of a Member, or of a former Member with title to Member annuity, retiring under this Act"; and

(2) by inserting, in paragraphs (2), (3), (4), and (5) thereof, "or performed in a position in which he is subject to this Act after his separation from service as a Member," immediately following "prior to his separation from service as a Member,".

(b) Section 13(c) of the Civil Service Retirement Act (5 U.S.C. 2263(c)) is amended to read as follows:

"(c) If a Member heretofore or hereafter retired under this Act hereafter becomes employed in an appointive or elective position, annuity payments shall be discontinued during such employment and resumed in the same amount upon termination of such employment, except that—

"(1) any such retired Member or any Member heretofore or hereafter separated with title to an immediate or deferred annuity who serves or has served, at any time after separation as a Member, in an appointive position in which he is or was subject to this Act shall, if he so elects, have his Member annuity computed or recomputed as if such service had been performed prior to his

separation as a Member and such annuity as so computed or recomputed shall be effective (A) the day Member annuity commences, (B) the first day of the month following the date of separation from the appointive position, or (C) the first day of the first month following the date of enactment of this Act, whichever day is the latest.

"(2) if such retired Member shall have become employed after December 31, 1958, in an appointive position on an intermittent-service basis, (A) his annuity shall continue during such employment and shall not be increased as a result of service performed during such employment, (B) no retirement deductions shall be withheld from his salary, (C) there shall be deducted from his salary, except for lump-sum payment purposes under the Act of December 21, 1944, a sum equal to the annuity allocable to the period of actual employment, and (D) the amounts so deducted shall be deposited in the Treasury of the United States to the credit of the fund;

"(3) if such retired Member takes office as Member and gives notice as provided in section 2(c), his service as Member during such period shall be credited in determining his right to and the amount of his subsequent annuity.

This subsection shall not apply to a Member appointed by the President of the United States to a position not requiring confirmation by the Senate."

SEC. 2. Notwithstanding any other provision of law, benefits payable by reason of the amendments made by the first section of this Act shall be paid from the civil service retirement and disability fund.

With the following committee amendments:

(1) Page 3, immediately following line 12, insert the following:

"(3) if such retired Member shall have become employed after December 31, 1958, in an appointive position without compensation on a full-time, or a substantially full-time, basis, his annuity shall continue during such employment and shall not be increased as a result of service performed during such employment; and"

(2) Page 3, line 13, strike out "(3)" and insert "(4)" in lieu thereof.

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PROHIBIT USE OF AIRCRAFT TO HUNT WILD HORSES

The Clerk called the bill (H.R. 2725) to amend chapter 3 of title 18, United States Code, so as to prohibit the use of aircraft or motor vehicles to hunt certain wild horses or burros on land belonging to the United States, and for other purposes.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. GROSS. Mr. Speaker, reserving the right to object, and I shall not object, I believe this bill prohibits the shooting of wild horses and jackasses, is that correct?

Mr. LANE. May I answer the gentleman? It is the wild horses and the burros in the State of Nevada. After World War II we had in that section of the country some thousands and thousands of these horses. At that time we

had 20,000. Right now we have about 5,000 left.

Mr. GROSS. I just wondered if this might be called a bill to protect the "sons of the wild jackasses." I withdraw my reservation of objection, Mr. Speaker.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) chapter 3 of title 18, United States Code, is amended by adding at the end thereof the following new section:

"§ 47. Use of aircraft or motor vehicles to hunt certain wild horses or burros; pollution of watering holes

"(a) Whoever uses an aircraft or a motor vehicle to hunt, for the purpose of capturing or killing, any wild unbranded horse, mare, colt, or burro running at large on any of the public land or ranges shall be fined not more than \$500, or imprisoned not more than six months, or both.

"(b) Whoever pollutes or causes the pollution of any watering hole on any of the public land or ranges for the purpose of trapping, killing, wounding, or maiming any of the animals referred to in subsection (a) of this section shall be fined not more than \$500, or imprisoned not more than six months, or both.

"(c) As used in subsection (a) of this section—

"(1) The term 'aircraft' means any contrivance used for flight in the air; and

"(2) The term 'motor vehicle' includes an automobile, automobile truck, automobile wagon, motorcycle, or any other self-propelled vehicle designed for running on land."

(b) The analysis of such chapter 3, immediately preceding section 41, is amended by adding at the end thereof the following new item:

"47. Use of aircraft or motor vehicles to hunt certain wild horses or burros."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PROHIBIT MISUSE OF NAMES TO INDICATE FEDERAL AGENCY

The Clerk called the bill (S. 355) to amend title 18 of the United States Code so as to prohibit the misuse by collecting agencies or private detective agencies of names, emblems, and insignia to indicate Federal agency.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 33 of title 18 of the United States Code is amended by adding at the end thereof the following new section:

"§ 712. Misuse of names by collecting agencies or private detective agencies to indicate Federal agency

"Whoever, being engaged in the business of collecting or aiding in the collection of private debts or obligations, or being engaged in furnishing private police, investigation, or other private detective services, uses as part of the firm name of such business, or employs in any communication, correspondence, notice, advertisement, or cir-

cular the words 'national,' 'Federal,' or 'United States,' the initials 'U.S.' or any emblem, insignia, or name, for the purpose of conveying and in a manner reasonably calculated to convey the false impression that such business is a department, agency, bureau, or instrumentality of the United States or in any manner represents the United States, shall be fined not more than \$10,000 or imprisoned not more than 1 year, or both."

SEC. 2. The provisions of this section shall become effective 60 days from the enactment thereof.

SEC. 3. The analysis of chapter 33 of title 18 of the United States Code which immediately precedes section 701 of such title is amended by adding at the end thereof the following:

"Sec. 712. Misuse of names by collecting agencies to indicate Federal agency."

With the following committee amendment:

On page 2, line 11, strike out "\$10,000" and insert in lieu thereof "\$1,000."

The committee amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ADDITION TO INDEPENDENCE NATIONAL HISTORICAL PARK

The Clerk called the bill (H.R. 6781) to authorize the Secretary of the Interior to acquire certain additional property to be included within the Independence National Historical Park.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the act entitled "An act to provide for the establishment of the Independence National Historical Park, and for other purposes," approved June 28, 1948 (16 U.S.C. 407m and the following), is amended by inserting immediately after the first section thereof the following new section:

"SEC. 1A. The Secretary of the Interior is authorized to acquire by donation or with donated funds, or to acquire by purchase from the Redevelopment Authority of the City of Philadelphia, all of the land immediately adjacent to Old Saint Joseph's Church, comprising an area 15,400 square feet situated on the south side of Walnut Street, Philadelphia, commencing with and including No. 324 Walnut Street and extending up to and including the southeast corner of Fourth and Walnut Streets, being known and numbered and shown on the records of the city of Philadelphia at 324, 326, 328, 330, 332, 334, and 336 Walnut Street, to be included within the Independence National Historical Park. The Secretary shall first enter into an agreement with the proprietor or proprietors of such property (Old Saint Joseph's Church), such agreement to contain the usual and customary provisions for the protection of the property, assuring its physical maintenance as part of the Independence National Historical Park, without any limitation or control over its use for customary church purposes."

SEC. 2. Section 6 of such act is amended by inserting immediately after the first sentence thereof the following new sentence:

"There are hereby authorized to be appropriated such sums, not exceeding \$46,200 as may be necessary to acquire the property referred to in section 1A of this act."

With the following committee amendment:

Strike out all after the enacting clause and insert: "That the Secretary of the Interior is authorized to acquire by donation or with donated funds, or to acquire by purchase, from the Redevelopment Authority of the City of Philadelphia the land and interests in land immediately adjacent to, but not including the Old Saint Joseph's Church property in the city of Philadelphia, Pennsylvania, which land and interests in land are identified on the records of the city of Philadelphia as 324, 326, 328, 330, 332, 334 and 336 Walnut Street, for inclusion in the Independence National Historical Park: *Provided*, That the Secretary shall first enter into an agreement with the proprietor or proprietors of the Old Saint Joseph's Church property, such agreement to contain the usual and customary provisions for the protection and physical maintenance of such church property, without expense to the United States, in keeping with, but not as a part of the nearby Independence National Historical Park and providing for its continued use, without limitation or control, for customary church purposes.

"SEC. 2. There are hereby authorized to be appropriated such sums, not exceeding \$46,200 as may be necessary to carry out the purposes of section 1 of this Act."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

REVISING ORGANIC ACT OF THE VIRGIN ISLANDS

The Clerk called the bill (H.R. 7870) to amend the Revised Organic Act of the Virgin Islands, as amended.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Virgin Islands Organic Act Amendments of 1959".

SEC. 2. (a) Subsection (a) of section 6 of the Revised Organic Act of the Virgin Islands (68 Stat. 499; 48 USC 1572) is amended to read as follows:

"(a) The term of office of each member of the legislature shall be two years. The term of office of each member shall commence on the second Monday in January following his election: *Provided, however*, That the term of office of each member elected in November 1958 shall commence on the second Monday in April 1959 and shall continue until the second Monday in April 1961, and the term of office of each member elected in November 1960 shall commence on the second Monday in April 1961 and continue until the second Monday in January 1963."

(b) The first sentence of subsection (c) of section 6 of said Act is amended to read as follows: "Each member of the legislature shall be paid the sum of \$600 annually, one-third on the first day of the regular session of the legislature, one-third one month after the beginning of such regular session, and one-third at the close of such regular session."

(c) The first sentence of subsection (a) of section 7 of said Act (68 Stat. 500; 48 U.S.C. 1573) is amended to read as follows: "Regular sessions of the legislature shall be held annually, commencing on the second Monday in January (unless the legislature shall by law fix a different date), and shall continue in regular session for not more than sixty consecutive calendar days in any calendar year: *Provided, however,* That the regular annual session for each of the years 1959, 1960, and 1961, respectively, shall commence on the second Monday in April and shall continue in regular session for not more than sixty consecutive calendar days."

SEC. 3. The second sentence of section 16(a) of the Revised Organic Act of the Virgin Islands (68 Stat. 504) as amended (48 U.S.C. 1957) is further amended to compromise two sentences to read as follows: "The head of each executive department other than the department of law shall be designated as the commissioner thereof, and the commissioner of finance shall be bonded. The head of the department of law shall be known as the attorney general of the Virgin Islands."

SEC. 4. Section 27 of the Revised Organic Act of the Virgin Islands (48 U.S.C. 1617) is amended to read as follows:

"SEC. 27. The President shall, by and with the advice and consent of the Senate, appoint a United States attorney for the Virgin Islands to whose office the provisions of chapter 31 of title 28, United States Code, shall apply. Except as otherwise provided by law it shall be the duty of the United States attorney to prosecute all offenses against the United States and to conduct all legal proceedings, civil and criminal, to which the Government of the United States is a party in the district court and in the inferior courts of the Virgin Islands. He shall also prosecute in the district court in the name of the government of the Virgin Islands all offenses against the laws of the Virgin Islands which are cognizable by that court unless, at his request or with his consent, the prosecution of any such case is conducted by the attorney general of the Virgin Islands. The United States attorney may, when requested by the Governor or the attorney general of the Virgin Islands, conduct any other legal proceedings to which the government of the Virgin Islands is a party in the district court or the inferior courts of the Virgin Islands. In the case of a vacancy in the office of United States attorney, the District Court of the Virgin Islands may appoint a United States attorney to serve until the vacancy is filled. The order of appointment by the court shall be filed with the clerk of the court."

With the following committee amendments:

Page 2, line 8, strike out all of section (b) and insert:

"(b) Subsection (e) of section 6 of said Act is amended to read as follows: 'Each member of the legislature shall be paid the sum of \$600 annually, one-third on the first day of the regular session of the legislature, one-third one month after the beginning of such regular session, and one-third at the close of such regular session. Each member of the legislature who is away from the island of his residence shall also receive the sum of \$20 per day for each day's attendance while the legislature is actually in session, in lieu of his expenses for subsistence, and shall be reimbursed for his actual travel expenses in going to and returning from each session, or period thereof for not to exceed a total of eight round trips during any calendar year. The salaries per diem, and travel allowances of the members of the legislature shall be paid by the Government of the United States: *Provided, however,* That nothing

herein shall prohibit the Virgin Islands Legislature from providing for payment of travel expenses and per diem in lieu of subsistence, at rates not in excess of those permitted by the Federal Government for its employees, for members of the legislature traveling on official business outside of the Virgin Islands.'"

Page 3, line 23, strike out "compromise" and insert "comprise."

Page 4, line 11, after "apply" insert "except that the Attorney General shall not appoint more than one assistant United States Attorney for the Virgin Islands."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

REASONABLE NOTICE WHEN APPLYING FOR INTERLOCUTORY RELIEF

The Clerk called the bill (H.R. 7559) to provide for reasonable notice of applications to the U.S. courts of appeals for interlocutory relief against the orders of certain administrative agencies.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the third sentence of subsection (b) of section 9 of the Act of December 29, 1950 (64 Stat. 1132; 5 U.S.C. 1030), is amended to read as follows: "In cases where irreparable damage would otherwise ensue to the petitioner, the court of appeals may, on hearing, after reasonable notice to the agency and to the Attorney General, order a temporary stay or suspension, in whole or in part, of the operation of the order of the agency for not more than sixty days from the date of such order pending the hearing on the application for such interlocutory injunction, in which case such order of the court of appeals shall contain a specific finding, based on evidence submitted to the court of appeals, and identified by reference thereto, that such irreparable damage would result to petitioner and specifying the nature of such damage."

SEC. 2. Subsection (d) of section 1006 of the Federal Aviation Act of 1958 (72 Stat. 795; 49 U.S.C. 1486(d)) is amended to read as follows:

"(d) Upon transmittal of the petition to the Board or Administrator, the court shall have exclusive jurisdiction to affirm, modify, or set aside the order complained of, in whole or in part, and if need be, to order further proceedings by the Board or Administrator. Upon good cause shown and after reasonable notice to the Board or Administrator, interlocutory relief may be granted by stay of the order or by such mandatory or other relief as may be appropriate."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

STILLHOUSE HOLLOW DAM, TEX.

The Clerk called the bill (H.R. 616) to designate the dam across the Lampasas River in Texas as Stillhouse Hollow Dam.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of

America in Congress assembled, That the dam across the Lampasas River in Bell County, Texas, authorized to be constructed by section 11 of the Flood Control Act of 1954, is hereby designated as Stillhouse Hollow Dam. Any law, regulation, map, document, record, or other paper of the United States in which such dam is referred to shall be held to refer to such dam by the name of Stillhouse Hollow Dam.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NINETEEN HUNDRED AND FIFTY-NINE PACIFIC FESTIVAL

The Clerk called the joint resolution (H.J. Res. 281) authorizing and requesting the President to issue a proclamation with respect to the 1959 Pacific Festival, and for other purposes.

The SPEAKER pro tempore. Is there objection to the present consideration of the joint resolution?

Mr. BOW. Mr. Speaker, reserving the right to object, I would like to inquire whether any Federal funds are authorized under this resolution.

Mr. MAILLIARD. Mr. Speaker, if the gentleman will yield, this resolution calls for no Federal expenditure or participation. It is merely a question of having the President make official the invitation that has been issued.

Mr. BOW. I should like to ask whether or not it provides for any study to be made as to whether Federal funds shall be appropriated in the future.

Mr. MAILLIARD. None whatsoever.

Mr. BOW. Does the gentleman anticipate there will be any Federal funds involved?

Mr. MAILLIARD. There is no expectation of it. This resolution simply authorizes it for this year without any funds and we have no plan nor do we see any need or requirement for any Federal participation.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. BOW. I yield.

Mr. GROSS. I am glad the gentleman has asked these questions. I was prepared to do so, because these proclamations usually lead to further demands upon the Treasury.

Mr. BOW. We are going to have one such tomorrow.

Mr. FULTON. Mr. Speaker, will the gentleman yield?

Mr. BOW. I yield to the gentleman.

Mr. FULTON. As a member of the House Committee on Foreign Affairs I should like to confirm what the gentleman from California [Mr. MAILLIARD] has said. There are no funds, no study funds for the specific festival. Secondly, in the tradition we have had I believe it is the understanding and I would like it on the record that the President shall not invite any nation of the Pacific rim which holds any other nation in Communist subjection. That will eliminate North Korea, Communist China, as well as Northern Vietnam from any invitation to this specific festival.

Mr. BOW. Mr. Speaker, I withdraw my reservation of objection.

86TH CONGRESS
1ST SESSION

H. R. 2725

IN THE SENATE OF THE UNITED STATES

AUGUST 18, 1959

Read twice and referred to the Committee on the Judiciary

AN ACT

To amend chapter 3 of title 18, United States Code, so as to prohibit the use of aircraft or motor vehicles to hunt certain wild horses or burros on land belonging to the United States, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That (a) chapter 3 of title 18, United States Code, is
4 amended by adding at the end thereof the following new
5 section:

6 “§ 47. Use of aircraft or motor vehicles to hunt certain wild
7 horses or burros; pollution of watering holes

8 “(a) Whoever uses an aircraft or a motor vehicle to
9 hunt, for the purpose of capturing or killing, any wild un-

1 branded horse, mare, colt, or burro running at large on any
2 of the public land or ranges shall be fined not more than
3 \$500, or imprisoned not more than six months, or both.

4 “(b) Whoever pollutes or causes the pollution of any
5 watering hole on any of the public land or ranges for the
6 purpose of trapping, killing, wounding, or maiming any of
7 the animals referred to in subsection (a) of this section shall
8 be fined not more than \$500, or imprisoned not more than
9 six months, or both.

10 “(c) As used in subsection (a) of this section—

11 “(1) The term ‘aircraft’ means any contrivance used
12 for flight in the air; and

13 “(2) The term ‘motor vehicle’ includes an automobile,
14 automobile truck, automobile wagon, motorcycle, or any
15 other self-propelled vehicle designed for running on land.”

16 (b) The analysis of such chapter 3, immediately pre-
17 ceding section 41, is amended by adding at the end thereof
18 the following new item:

“47. Use of aircraft or motor vehicles to hunt certain wild horses or
burros.”

Passed the House of Representatives August 17, 1959.

Attest:

RALPH R. ROBERTS,

Clerk.

AN ACT

To amend chapter 3 of title 18, United States Code, so as to prohibit the use of aircraft or motor vehicles to hunt certain wild horses or burros on land belonging to the United States, and for other purposes.

AUGUST 18, 1959

Read twice and referred to the Committee on the
Judiciary

Aug 24, 1959

- 3 -

12. PUBLIC LANDS; WILDLIFE. The Judiciary Committee reported without amendment H. R. 2725, to prohibit the use of aircraft or motor vehicles to hunt wild horses or burros on public lands (S. Rept. 802). p. 15358
 13. ACCOUNTING; ALLOTMENTS. Received from this Department a report on the over-obligation of an allotment under the school lunch program. p. 15357
 14. APPROPRIATIONS. Received from the President a supplemental appropriation estimate for various agencies (does not include any estimate for this Department). p. 15357
 15. WATERSHEDS. Both Houses received from the Budget Bureau a report on plans for works of improvement on the following watersheds: Blackberry River and N. Branch Park River, Conn., Taylor Creek, Fla., Potato Creek, Ga., Crab Orchard Creek, Ky., East Fork of Clarks River, Ky. and Tenn., SuAsCo, Mass., Bowman-Spring Branch, Nebr., Santa Cruz River, N. Mex., Willakenzie area, Ore., Green-Dreher, Pa., and Caney Creek, Tex.; to S. Agriculture and Forestry and H. Agriculture Committees; and Caney-Coon Creek, Okla.; to Public Works Committees. pp. 15357, 15468
 16. FOREIGN TRADE. Received from the Commerce Department a report on export control for the second quarter of 1959. p. 15357
- HOUSE
17. SMALL BUSINESS. Passed without amendment H. R. 8599, to amend the Small Business Act so as to increase the revolving fund of the Small Business Administration from \$900,000,000 to \$1,100,000,000. pp. 15419-23
 18. VEHICLES. Began debate on H. R. 1341, to require passenger-carrying motor vehicles purchased for use by the Federal Government to meet certain safety standards. pp. 15424-46
 19. MINERALS; LANDS. Debated H. Con. Res. 177, declaring the sense of Congress on the depressed domestic mining and mineral industries affecting public and other lands. (pp. 15423-4, 15446-58). The resolution providing for the consideration of this measure was adopted earlier in the day (pp. 15423-4).
 20. LANDS. The Agriculture Committee reported without amendment S. 1453, to authorize this Department to sell a tract of Forest Service land to Keosauqua, Iowa (H. Rept. 965); S. 1521, to provide for the removal of the restriction on use with respect to a certain tract of land in Cumberland County, Tenn. (H. Rept. 966); and with amendment H. R. 6669, to provide that the Louisiana State University may use certain real property heretofore conveyed to it for general educational purposes (H. Rept. 976). pp. 15468-9
 21. RECLAMATION. The Interior and Insular Affairs Committee reported with amendment H. R. 4279, to construct and maintain the lower Rio Grande rehabilitation project, Texas (H. Rept. 971), and without amendment H. R. 4952, to amend the Act authorizing the Crooked River Federal reclamation project, Oregon, in order to increase the capacity of certain project features for future irrigation of additional lands (H. Rept. 973). pp. 15468-9

22. WHEAT. The Agriculture Committee reported without amendment H. R. 4874, to provide for preserving wheat acreage history on farms on which the farm marketing excess is adjusted to zero because of underproduction (H. Rept. 972). pp. 15468-9
23. RESEARCH; FISHERIES. The Merchant Marine and Fisheries Committee reported with amendment H. R. 5004, to undertake continuing research on the biology of the migratory marine species of game fish of the U. S. and contiguous waters (H. Rept. 974); and without amendment H. R. 5813, to undertake continuing studies of the effects of insecticides upon fish and wildlife for the purpose of preventing losses of those invaluable natural resources (H. Rept. 975). p. 15469
24. SOIL BANK. The Agriculture Committee reported with amendment H. R. 8043, to authorize certain conservation reserve payments to producers due to erroneous contract approval (H. Rept. 977). p. 15469
25. AGRICULTURAL ATTACHES. The Agriculture Committee reported without amendment H. R. 8074, to permit the assignment of agricultural attaches to duty in the U. S. for a maximum of four years without reduction in grade (H. Rept. 978). p. 15469
26. TARIFFS; EXHIBITS. The Ways and Means Committee reported with amendment H. R. 6249, to liberalize the tariff laws for works of art and other exhibition material (H. Rept. 984). p. 15469
27. PERSONNEL. The report of the House Post Office and Civil Service Committee in reporting S. 2162, to provide an employee health insurance program, summarizes the major provisions of the bill as follows:

"The reported bill makes basic and catastrophic health protection available to approximately 2 million Federal employees and their dependents. Employees will have free choice among health benefits plans in four major categories, including (1) a Government-wide service benefit plan, such as is offered by Blue Cross-Blue Shield, (2) a Government-wide indemnity benefit plan, such as is currently offered by several insurance companies, (3) one of several employee organization plans, such as the present health plans of the National Association of Letter Carriers and the National Federation of Post Office Clerks, and (4) a comprehensive medical plan, which may be either a group-practice prepayment plan (such as the Kaiser Foundation plan in California and the Group Health Association plan in Washington, D.C.) or an individual-practice prepayment plan (such as the Group Health Insurance plan in New York). The Government-wide service benefit plan and the Government-wide indemnity benefit plan each will include at least two levels of benefits.

"The reported bill retains the provisions of the Senate-passed bill (1) providing for 50 percent contribution by the Government to subscription charges and (2) establishing biweekly maximum contributions of \$1.75 for an individual employee, \$4.25 for an employee and family, and \$2.50 for a female employee and family including a non-dependent husband.

WILD HORSES AND BURROS

AUGUST 24, 1959.—Ordered to be printed

Mr. JOHNSTON of South Carolina, from the Committee on the
Judiciary, submitted the following

REPORT

[To accompany H.R. 2725]

The Committee on the Judiciary, to which was referred the bill (H.R. 2725) to amend chapter 3 of title 18, United States Code, so as to prohibit the use of aircraft or motor vehicles to hunt certain wild horses or burros on land belonging to the United States, and for other purposes, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE

The purpose of the proposed legislation is to amend chapter 3 of title 18, United States Code, by adding a new section 47 imposing criminal penalties for the use of an aircraft or motor vehicle in hunting any wild unbranded horse, mare, colt, or burro running at large on public land or ranges, with the purpose of capturing or killing those animals. The new section would similarly bar the pollution of any watering hole on public land or ranges for the purpose of trapping, killing, wounding, or maiming any of such animals.

STATEMENT

The proposed legislation is similar to S. 2167 of the 86th Congress. Reports were obtained from the Department of Agriculture and the Department of the Interior on S. 2167 recommending amendments to the legislation designed to relieve the Department of the Interior from any adverse effect in connection with the proposed legislation. Copies of these reports are hereto attached.

Hearings were held in the House in regard to this matter and the House in its report came to the conclusion that the suggested amendments could not be included in the proposed legislation, stating that—

The insertion of a proviso of this sort would have the effect of all but destroying the effectiveness of the legislation. Its

impact as a criminal statute would be seriously weakened by the fact that the Government would be empowered to engage in the proscribed activities.

House Report No. 833 on H.R. 2725 sets forth the facts surrounding this legislation and the committee deems that that report should be included herein, as follows:

The new section 47 provided for in H.R. 2725 is required to protect the remnants of our once extensive herds of mustangs which still remain in the remote areas of our Western States, and to bar the cruelty which is an inseparable part of the mechanized methods which must be used in order to make the capture of these wild horses financially attractive.

The mustang played an important part in the history of the West. Indians and early pioneers captured and used wild horses, and these horses were often necessary to their existence. As the West was settled the remnants of these wild horses sought out the remote canyons and high rimrock as their last refuge. Today the very existence of the last of the horses in a wild state on the public lands and ranges of the United States is endangered because their capture has become a commercially profitable venture. The use of the domestic horse on the farms and in the cities of the United States has declined to a low figure, for the horse has largely been replaced by other means of transportation and mechanical power. At the same time there has been a growing demand for horsemeat for pet food, and this demand became particularly marked in the years following World War II. As a result, the capture of wild horses for slaughter became a profitable proposition for the horse hunter. In Nevada alone in those years following World War II, more than 100,000 wild horses were removed from the State.

The traditional method of rounding up horses with crews of cowboys was too slow and costly for men bent on cashing this source of gain. They found that an airplane could be used to drive wild horses from their refuges in the rimrock to the flatlands where they could be captured. The method followed was to drive the mustangs from the rough and rugged rimrock at a breakneck speed. When these planes dive on the horses, the tendency of a group of horses is to scatter and attempt to hide. To counter this, a shotgun is commonly carried in the plane, and is used frequently to flush the horses from hiding and to keep them bunched and running in the direction desired by the hunters. After the horses have been driven onto the flatlands, they are chased by trucks, and are pursued to the point of exhaustion. Testimony before this committee establishes that one reprehensible, but effective, means of capture is to burden the exhausted horses at this point with heavy and terrifying devices, for example heavy truck tires, which are attached to them by skillful ropers operating from the trucks. At other times the horses may be driven into box canyons and cornered there. Fan-shaped trapping corrals are used where the horses are thrown into violent contact with the enclosing

wires and suffer serious and painful injuries which in some cases have resulted in death from loss of blood. After capture the horses are sometimes tied and left where they lie until sufficient horses are obtained to begin loading operations. One method of tying is "sidelining" where a front and hind foot are tied together, and when the animal struggles its legs become severely "burned" or rubbed raw by the rope. In loading the horses on trucks to transport them to slaughter, they are dragged up a ramp by saddle horses.

Witnesses before the committee have testified that as a result of these methods of capture, colts often are left behind where they have little hope of survival. Apparently the men engaged in the activity do not feel that the colts are of sufficient weight to justify the haul to the processing centers. These suppliers are paid by the pound, and other than that the horses be ambulatory the condition of the horses at the processing center is apparently not important.

The Department of Agriculture has stated to the committee in its report on this bill that it "is sympathetic toward the objective of the bills to use humane methods of hunting wild horses" but asks that a proviso be included so that the Federal Government will be allowed to engage in the activities defined as criminal under the new section. The Department of the Interior states that it is opposed to "any form of cruelty, poisoning, or indiscriminate slaughter" of the animals with which H.R. 2725 and its companion bills are concerned. However, that Department also urges the inclusion of a proviso which would have the effect of providing an exception for Federal activity. This proviso would permit the very activities made criminal by subsection (a) of the new section to be carried on by the Government or its permittees. The language recommended by the departments for addition to subsection (a) is as follows: "*Provided*, That the aforesaid activities may be permitted, for purposes of carrying out Federal responsibilities, by the particular Federal land management agency responsible for management of the said public land or ranges, or such Federal agency may authorize such activities in accordance with the terms and conditions of permits issued by such agency."

The committee has carefully weighed this suggestion, and has concluded that the amendment cannot be included. The insertion of a proviso of this sort would have the effect of all but destroying the effectiveness of the legislation. Its impact as a criminal statute would be seriously weakened by the fact that the Government would be empowered to engage in the proscribed activities. The provision for similar immunity for those granted Federal permits is objectionable for the same reason. This section would be included in title 18, "Crimes and Criminal Procedure" of the United States Code, and would be a criminal statute. A reading of the reports of the Agriculture and Interior Departments in this connection discloses that these Departments are properly concerned with range management. However, this committee feels that this emphasis has led those Departments to misconstrue

the purpose and effect of the provisions of H.R. 2725. The exception urged by the Departments is devoid of standards as a guide for the activities there concerned. As a matter of fact, it is very difficult to see how sufficient standards could be drafted to convert criminal activity under the general terms of the subsection to accepted practice under the exception.

The committee has considered the question of potential overgrazing of public lands as it may relate to the horses receiving protection from this legislation. At the hearing on the bill, the Government witnesses agreed that the numbers of wild horses at large on public lands have dropped to a low figure because of the removal operations which have been conducted in recent years. Mrs. Velma B. Johnston, of Wadsworth, Nev., one of the principal witnesses at the hearing on the bill, stated concerning the numbers of these horses and the conditions under which they now exist:

"Today's wild horse is not the glamorous mustang of long ago—the fiercely proud, valiant, and beautiful animal that roamed our western country when this century was young. He is, for the most part, underfed, scrubby, and inbred. Since he has become the target for wholesale mechanized roundups, he has been driven almost from the face of the earth, and has had to split up into small bands, and live where forage is scarce. He has been pushed to environments where no horse should be able to endure, yet he has adapted to that environment and, with barely a fighting chance, has survived. His habitat is high in remote areas where other livestock does not run, and he comes down only when driven to by lack of feed and water. For this, he is pursued and captured."

It is therefore apparent that the existence of these widely scattered small bands of wild horses on public lands is not a pressing problem. While the argument of the Department of the Interior is couched in terms of conservation, it is difficult to discern just where that Department would draw the line and permit wild horses to exist with at least a degree of protection by the United States. Mr. Gerald Kerr, range staff officer of the Bureau of Land Management, stated at the hearing on the bill:

"It is our firm belief that there is little danger that either the 'wild horses' or burros will be exterminated. The horses now described as wild are animals that were turned loose or escaped from their owners. This escape or release process is going on constantly. There is a general tendency for the wild herds to increase in numbers from this source and from reproduction. It is the purpose of the Bureau of Land Management to prevent the growth of these herds to such numbers as to provide serious competition with game animals and permitted livestock. There is no need, however, nor intent to exterminate them."

Yet the Department's attitude toward the wild horses at large on public lands is such that it is not clear whether any horse would be regarded as entitled to protection. The same witness stated:

"Wild horses, as such, do not exist on public lands today. The unclaimed and abandoned horses now using the Federal ranges are remnants of extensive horse ranch operations which were conducted on the public ranges of the West until the early 1930's."

Apparently the Department's reference to the "wild horse" has particular reference to the descendants of Arabian-Andalusian horses introduced to our continent by the early Spanish explorers, and the Department's view would apparently rule out horses which might be traced to stock which might have been used on ranches or farms in years past. Here again the approach of the Department has all but ignored the purpose of this bill which is to accord protection to any unbranded horse, mare, colt, or burro running at large on the public land or ranges. These horses exist in a wild state. As noted above in the statement of the Department's witness, these horses maintain their numbers from reproduction, as well as from addition of some strays. The testimony of Mrs. Johnston adequately shows that the horses existing in the wild have the physical characteristics and qualities which have long been associated with the horse known as the mustang. There should be no problem with identifying the animals entitled to the protection of the new section proposed in the bill.

The committee has concluded that there is a clear-cut requirement for the Congress to act. The record of the hearing on H.R. 2725 contains a letter from Sheriff C. W. (Bud) Young of Washoe County, Nev., expressing his support for legislation prohibiting the use of aircraft or motor vehicles in hunting wild horses. Sheriff Young urged Federal legislation with these words:

"The present Federal law is definitely inadequate to prosecute violators and while it is true that we do have a State law, because of legal opinion, the Federal law takes precedence, which therefore—again—brings up to the point where violators cannot be prosecuted to the fullest extent necessary."

The Nevada law contains language which is very similar to that contained in H.R. 2725. However it must be noted that the following language of the Nevada statute contains language which would grant precedence to Federal law, and therefore the need for Federal legislation is clearly demonstrated. The relevant section of Nevada law is as follows:

"569.420 Hunting of wild horses, burros by aircraft, motor vehicles unlawful; pollution of watering holes to aid capture unlawful.

"1. It shall be unlawful for any person, under the provisions of NRS 569.360 to 569.430, inclusive—

"(a) To hunt wild horses, mares, colts, or burros by means of airborne vehicles of any kind or motor-driven vehicles of any kind.

"(b) To pollute watering holes in order to trap, kill, wound, or maim such animals.

"2. The provisions of NRS 569.360 to 569.430, inclusive, shall not be construed to conflict with the provisions of any Federal law or regulation governing the hunting or driving of

horses, mares, colts, or burros by means of airborne or motor-driven vehicles (3.5:95:1913; added 1955, 254)."

ANALYSIS OF THE BILL

Subsection (a) of the bill provides for the addition of a new section 47 to chapter 3, "Animals, Birds, Fish, and Plants," of title 18 of the United States Code. The new section is divided into three subsections.

Subsection (a) of the new section

Subsection (a) is the subsection barring the use of aircraft or motor vehicles in the capture or killing of "any wild unbranded horse, mare, colt, or burro running at large on any of the public land or ranges." The quoted words clearly define the horses and burros protected by this provision. The word "wild" refers to horses or burros existing in a wild or free state on public lands. The language used is broad enough to apply to any horse or burro existing in a free or wild state on public land or ranges, and this plus the requirement that they be unbranded is sufficient to differentiate these horses from horses whose ownership can be traced to some individual. It should be noted that this classification does not rest upon the origin of the horses in terms of bloodlines or similar technical limitations. Rather the committee feels that this subsection contains objective standards for the identifying of the animals concerned. The subsection further provides for a penalty of a \$500 fine or 6 months' imprisonment or both for the violation of these provisions.

Subsection (b) of the new section

Subsection (b) would bar the pollution of any watering hole on public land or ranges with the purpose of trapping, killing, wounding, or maiming any of the animals referred to in subsection (a). This language would serve to further protect these wild horses and burros from persons using these means of capturing them. A penalty of \$500 or 6 months' imprisonment or both is also provided for the violation of the provisions of this subsection.

Subsection (c) of the new section

Subsection (c) defines the terms "aircraft" and "motor vehicle" in broad language. "Aircraft" is defined as any contrivance used for flight in the air. "Motor vehicle" is defined as any self-propelled vehicle designed for running on land including, but not limited to, automobiles, automobile trucks, automobile wagons, or motorcycles.

Subsection (b) of the bill provides for the amendment of the analysis of chapter 3 of title 18 so as to include the catchline of new section 47.

CONCLUSION

The testimony received by this committee in connection with the hearing on this bill, and the evidence presented in support of the legislation, clearly shows a need for legislative

action. The committee therefore recommends that the bill H.R. 2725 be considered favorably.

After a study and consideration of the foregoing, the committee agrees with the conclusions and action of the House of Representatives in this matter and believes that the legislation as passed by the House is meritorious. It is, therefore, recommended that the bill, H.R. 2725, be considered favorably.

DEPARTMENT OF AGRICULTURE,
Washington, D.C., July 9, 1959.

HON. JAMES O. EASTLAND,
Chairman, Committee on the Judiciary,
U.S. Senate.

DEAR SENATOR EASTLAND: This is in response to your request of June 25, 1959, for the views of this Department on S. 2167, a bill to amend chapter 3 of title 18, United States Code, so as to prohibit the use of aircraft or motor vehicles to hunt certain wild horses or burros on land belonging to the United States, and for other purposes.

This Department has no objection to the bill if amended as recommended herein.

S. 2167 would prohibit on any of the public land or ranges (1) the use of aircraft or motor vehicles to hunt for the purpose of capturing or killing any wild unbranded horse, mare, colt, or burro running at large, and (2) polluting any watering hole for the purpose of trapping, killing, wounding, or maiming any of such animals. Any person violating either such prohibition would be subject to a fine of not more than \$500, or imprisonment for a period of not more than 6 months, or both.

Among the lands administered by this Department are 181 million acres of national forests. The 148 national forests are in 39 States and Puerto Rico, being mostly in the West. These Federal properties are developed and managed under the principles of multiple use and a sustained yield of products and services. They yield water, timber, forage, recreation, game and other wildlife, and minerals. Development and management of the 65 million acres of national forest rangelands requires control of the number of animals covered by the bill in order to protect the soil, forage, water yield, and interest of other users. There often are instances in the administration of grazing on the public lands when there is a need to reduce the number of animals covered by the bill.

This Department is sympathetic toward the objective of the bill to use humane methods of hunting wild horses. The Federal Government, however, should not be precluded from protecting its land and the resources thereof from damage. Accordingly, we recommend that the bill be amended so that the prohibition in the new section 47 to chapter 3 of title 18, United States Code, would not apply to Federal agencies administering the public lands, and persons authorized by contract or agreement with such Federal agencies, where there is need to protect the public land and its resources from damage by such animals.

Language to accomplish this amendment follows:

Page 2, line 3, change the period to a colon, and add: "*Provided*, That the aforesaid activities may be permitted, for purposes of carrying out Federal responsibilities, by the particular Federal land man-

agement agency responsible for management of the said public land or ranges, or such Federal agency may authorize such activities in accordance with the terms and conditions of permits issued by such agency."

The Bureau of the Budget advises that there is no objection to the submission of this report.

Sincerely yours,

TRUE D. MORSE, *Acting Secretary.*

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., July 6, 1959.

HON. JAMES O. EASTLAND,
Chairman, Committee on the Judiciary,
U.S. Senate, Washington, D.C.

DEAR SENATOR EASTLAND: Your committee has requested a report on S. 2167, a bill to amend chapter 3 of title 18, United States Code, so as to prohibit the use of aircraft or motor vehicles to hunt certain wild horses or burros on land belonging to the United States, and for other purposes. This bill would establish penalties where an aircraft or motor vehicle is used to hunt, for the purpose of capturing or killing any wild unbranded horse, mare, colt, or burro running at large on any of the public land or ranges. This bill provides also that whoever pollutes or causes the pollution of any water holes on any of the public land or ranges for the purposes of trapping, killing, wounding, or maiming any of these animals shall be subject to the penalty prescribed.

We have no objection to the enactment of this proposed legislation, if amended as hereafter recommended in this report.

We are opposed to any form of cruelty, poisoning, or indiscriminate slaughter of the animals to which these bills refer. The current problem to which this bill is directed arises from so-called bootleg horse-gathering operations that are not sanctioned by permit from the proper law enforcement agencies of the States. We are in agreement that such operations should be halted although the primary responsibility for control rests with the State. We believe that cattlemen are anxious that bootleg operations be stopped since such gatherings sometimes include unbranded progeny of range horses that are under permit to graze on the Federal range. Under proper supervision, rounding up horses by plane is the most humane method of removing such horses from the range. The operation is over in a matter of hours and the horses can be corralled before they are exhausted from constant running. Under the Nevada law, Federal agencies are exempted from the prohibition against planes and motorized vehicles in removing horses from the range. The older method employed in gathering such animals was the use of relay riders who pursued the horse bands and kept them from water until they could finally be trapped.

Because of the vast areas of rugged public domain land, the use of aircraft is a vital necessity in patrolling the range, establishing trespass, counting livestock, scouting fires, etc. Prohibiting the use of aircraft for one purpose might leave room for doubt as to the intent of a Federal agency in employing aircraft for other necessary functions. The present authority under which we operate in regulating the use

of the Federal range does not include any means of establishing ownership of these animals. This is an authority vested in the State and enforced by the State brand inspector. Even then it is an extremely difficult matter to handle, since an unbranded animal can be claimed as progeny of branded stock owned by the horse runner. In roundups conducted by our Bureau of Land Management, humane treatment of animals is consistently required. However, we do not have any control over private operators who may be gathering horses claimed as their own or are rounding up horses under permit issued by the local board of county commissioners.

This bill would prohibit the activities in question on any of the "public land or ranges." To the extent that such bill might be construed as being applicable to the national wildlife refuges and certain other Federal reservations, the enactment of such proposal in its present form would seriously impede efforts to exercise control of unbranded horses and burros running at large on these Federal reservations. This would contribute to range deterioration and complicate the effective management of the wildlife refuges for the protection of the wildlife species for which they are dedicated. Also, it would increase administrative costs to hold these animals in check.

Horses frequently become separated from private herds and revert to the wild. Burros are found in many places throughout the Western States. The consequent destruction of habitat which normally results constitutes a situation that is inimical to wildlife and management efforts. Unattended animals soon increase beyond the carrying capacity of the range and cause excessive competition with wildlife species dependent upon forage resources. Reduction measures are necessary in some places to hold the numbers in check and to minimize the competition of these animals with important wildlife forms.

In our opinion, there is little danger that either the wild horses or burros will be exterminated, and we do not recommend or desire a control program to accomplish such an end. There is a never-ending escape or release of horses from herds ranging on the public lands that will provide a continued supply to the wild so as to retain one of the picturesque features of the West. The wily burro is not in danger of becoming extinct since it is normally found over vast areas individually or in small groups. Their extermination would be an extremely expensive undertaking.

In the circumstances, a prohibition on the use of aircraft or motor vehicles by Federal agencies would nullify our efforts to exercise management control over unbranded horses and burros running at large on Federal lands. An amendment to this proposal, therefore, would be desirable. Accordingly, we recommend that this bill be amended on page 2, line 3, by striking out the period at the end of the line and inserting in lieu thereof the following: " : *Provided*, That the aforesaid activities may be permitted, for purposes of carrying out Federal responsibilities, by the particular Federal land management agency responsible for management of the said public land or ranges, or such Federal agency may authorize such activities in accordance with the terms and conditions of permits issued by such agency."

We have been advised by the Bureau of the Budget that there is no objection to the submission of this report to your committee.

Sincerely yours,

ROSS LEFFLER,
Assistant Secretary of the Interior.

CHANGES IN EXISTING LAW

In compliance with subsection (4) of rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in *italic*, existing law in which no change is proposed is shown in *roman*):

TITLE 18—CRIMES AND CRIMINAL PROCEDURE

* * * * *

CHAPTER 3. ANIMALS, BIRDS, FISH, AND PLANTS

Sec.

* * * * *

47. *Use of aircraft or motor vehicles to hunt certain wild horses or burros.*

* * * * *

§ 47. *Use of aircraft or motor vehicles to hunt certain wild horses or burros; pollution of watering holes*

(a) *Whoever uses an aircraft or a motor vehicle to hunt, for the purpose of capturing or killing, any wild unbranded horse, mare, colt, or burro running at large on any of the public land or ranges shall be fined not more than \$500, or imprisoned not more than six months, or both.*

(b) *Whoever pollutes or causes the pollution of any watering hole on any of the public land or ranges for the purpose of trapping, killing, wounding, or maiming any of the animals referred to in subsection (a) of this section shall be fined not more than \$500, or imprisoned not more than six months, or both.*

(c) *As used in subsection (a) of this section—*

(1) *The term "aircraft" means any contrivance used for flight in the air; and*

(2) *The term "motor vehicle" includes an automobile, automobile truck, automobile wagon, motorcycle, or any other self-propelled vehicle designed for running on land.*



Calendar No. 814

86TH CONGRESS
1ST SESSION

H. R. 2725

[Report No. 802]

IN THE SENATE OF THE UNITED STATES

AUGUST 18, 1959

Read twice and referred to the Committee on the Judiciary

AUGUST 24, 1959

Reported by Mr. JOHNSTON of South Carolina, without amendment

AN ACT

To amend chapter 3 of title 18, United States Code, so as to prohibit the use of aircraft or motor vehicles to hunt certain wild horses or burros on land belonging to the United States, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*

2 *tives of the United States of America in Congress assembled,*

3 That (a) chapter 3 of title 18, United States Code, is

4 amended by adding at the end thereof the following new

5 section:

6 “§47. Use of aircraft or motor vehicles to hunt certain wild

7 horses or burros; pollution of watering holes

8 “(a) Whoever uses an aircraft or a motor vehicle to

9 hunt, for the purpose of capturing or killing, any wild un-

1 branded horse, mare, colt, or burro running at large on any
2 of the public land or ranges shall be fined not more than
3 \$500, or imprisoned not more than six months, or both.

4 “(b) Whoever pollutes or causes the pollution of any
5 watering hole on any of the public land or ranges for the
6 purpose of trapping, killing, wounding, or maiming any of
7 the animals referred to in subsection (a) of this section shall
8 be fined not more than \$500, or imprisoned not more than
9 six months, or both.

10 “(c) As used in subsection (a) of this section—

11 “(1) The term ‘aircraft’ means any contrivance used
12 for flight in the air; and

13 “(2) The term ‘motor vehicle’ includes an automobile,
14 automobile truck, automobile wagon, motorcycle, or any
15 other self-propelled vehicle designed for running on land.”

16 (b) The analysis of such chapter 3, immediately pre-
17 ceding section 41, is amended by adding at the end thereof
18 the following new item:

“47. Use of aircraft or motor vehicles to hunt certain wild horses or
burros.”

Passed the House of Representatives August 17, 1959.

Attest:

RALPH R. ROBERTS,

Clerk.

86TH CONGRESS
1ST SESSION

H. R. 2725

[Report No. 802]

AN ACT

To amend chapter 3 of title 18, United States Code, so as to prohibit the use of aircraft or motor vehicles to hunt certain wild horses or burros on land belonging to the United States, and for other purposes.

AUGUST 18, 1959

Read twice and referred to the Committee on the
Judiciary

AUGUST 24, 1959

Reported without amendment

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF
BUDGET AND FINANCE

(For Department
Staff Only)

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HIGHLIGHTS: Senate committee reported amendments to Public Law 480 bill. House committee reported housing bill. House subcommittee voted to report bill to require marketing quotas for rice.

SENATE

1. FOREIGN TRADE; SURPLUS COMMODITIES. The Agriculture and Forestry Committee reported amendments to S. 1748, to extend Public Law 480 (p. 15478). The "Daily Digest" states that the committee amendments include a 3-year extension of the law (p. D821). Sen. Johnston expressed his support for an amendment proposed by Sen. Butler "to provide that shipments of surplus agricultural commodities destined to foreign countries exported under the Public Law 480 program, must be delivered directly to the export vessel at a U. S. port." Several Senators expressed opposition to the proposed amendment, (pp. 15536-8).

2. SILK IMPORTS. The Finance Committee reported without amendment H. R. 2886, to suspend for 3 years, beginning 60 days from date of enactment, the import duties on certain classification of spun silk yarn (S. Rept. 811). p. 15474
3. CREDIT UNIONS. The Banking and Currency Committee reported with amendments H. R. 8305, to make various amendments to the Federal Credit Union Act (S. Rept. 814). p. 15474
4. PERSONNEL. The Post Office and Civil Service Committee voted to report (but did not actually report) the following bills: H. R. 5752, to grant Federal employees legal holidays on Friday for holidays occurring on Saturday; and H. R. 6059, to provide additional civilian positions for the Department of Defense for scientific research and development, with an amendment to include the text of S. 2461, to amend the Federal Employees Group Life Insurance Act of 1954 to eliminate the provision reducing the amount of insurance after age 65. p. D822

The Post Office and Civil Service Committee voted, 6 to 3, to postpone action until next year on S. 1638, to establish an Office of Personnel Management and revise the functions of the Civil Service Commission. p D822
5. PROPERTY. The Government Operations Committee voted to report (but did not actually report) the following: S. J. Res. 121, without amendment, to permit certain property conveyed by this Department to the La. State University and Agricultural and Mechanical College to be used for general educational purposes; S. 155, with amendment, to permit the donation of Government surplus property to libraries which are tax-supported or publicly owned and operated; S. 1018, with amendment, to authorize the donation of surplus property to certain agencies engaged in cooperative agricultural extension work; and S. 910, with amendment, to authorize the payment to local governments of sums in lieu of taxes and special assessments on Federal property (the "Daily Digest" states that prior to approval of this bill the committee rejected a motion by Sen. Mundt to substitute the language of his bill, S. 1417, to establish a temporary Commission on Federal Contributions to State and Local Governments). p. D821
6. PUBLIC LANDS; WILDLIFE. Passed without amendment H. R. 2725, to prohibit the use of aircraft or motor vehicles to hunt wild horses or burros on Federal lands. This bill will now be sent to the President. pp. 15493-7
7. BUILDINGS. Passed with amendment H. R. 7645, to grant GSA additional authority for the construction, alteration, and acquisition of Federal buildings. Senate conferees were appointed. A similar bill, S. 1654, was indefinitely postponed. pp. 15528-33
8. FOREIGN TRADE. Passed with amendment H. R. 2411, to provide for the free importation of tourist literature after agreeing to an amendment by Sen. Yarborough to delete a section which would have increased the import duty on wood moldings. pp. 15514-23, 15526
9. CLAIMS; CIVIL DEFENSE. Received from the President supplemental appropriation estimates to pay claims for damages and judgments against the U. S. (S. Doc. 48), and for "salaries and expenses" of the Office of Civil and Defense Mobilization (S. Doc. 49). p. 15474

voted to such use. Only 8 percent of our national forest land is involved and less than 2 percent of our country.

It may be that Mr. Hagenstein's trouble is that, to use his own word, he wants to "grab" for his industrial forestry some of these lands now being preserved.

The proponents of the wilderness bill do not wish to interfere with other programs. They respect them. They have gone to great effort to design a wilderness bill that fits into our overall public land programs without conflict.

Senator JAMES E. MURRAY of Montana recognized this when he spoke in the Senate on February 19 and said:

"In my opinion, it is very unfortunate that some of the commercial interests have exaggerated the effect of this splendid wilderness proposal.

"The timber people are not going to be 'closed down' or left without resources to grow. The bill is not going to terminate any grazing permits held by livestock men. The oil and minerals industries are not so hard-pressed for raw material that they need the right to punch holes in our most valuable scenic areas, which have exceptional recreational and scientific values, and will continue to contribute to watershed, game propagation, and other uses.

"For 25 years, I have fought for the economic development of the West and of the Nation. I have supported measures to aid every industry now opposing the wilderness bill. I shall continue to do so, for my interest in their prosperity and growth is not diminished in any way.

"My decision to support the wilderness bill is not a difficult one to make, for the facts show that it is a good measure, and that its enactment will not actually injure those who are expressing the greatest fear of it."

So said Senator MURRAY of Montana. No lands now available for timber cutting are included in the wilderness preservation program.

If Mr. Hagenstein as an Industrial Forestry Association representative objects to this reasonable program, it must be because he thinks some of the lands now preserved should be cut.

If so he emphasizes the importance of this timely legislation.

—HOWARD ZAHNISER.

PROHIBITION OF USE OF AIRCRAFT OR MOTOR VEHICLES TO HUNT CERTAIN WILD HORSES OR BURROS

Mr. MANSFIELD. Mr. President, after consultation with the majority and the minority leadership, I ask unanimous consent that the Senate immediately proceed to the consideration of Calendar No. 814, House bill 2725, to amend chapter 3 of title 18, United States Code, so as to prohibit the use of aircraft or motor vehicles to hunt certain wild horses or burros on land belonging to the United States, and for other purposes.

The PRESIDING OFFICER (Mr. BARTLETT in the chair). The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (H.R. 2725) to amend chapter III of title 18, United States Code, so as to prohibit the use of aircraft or motor vehicles to hunt certain wild horses or burros on land belonging to the United States, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that a statement covering the purpose of this bill be incorporated at this point in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

REPORT ON H.R. 2725

PURPOSE

The purpose of the proposed legislation is to amend chapter 3 of title 18, United States Code, by adding a new section 47 imposing criminal penalties for the use of an aircraft or motor vehicle in hunting any wild unbranded horse, mare, colt, or burro running at large on public land or ranges, with the purpose of capturing or killing those animals. The new section would similarly bar the pollution of any watering hole on public land or ranges for the purpose of trapping, killing, wounding, or maiming any of such animals.

STATEMENT

The proposed legislation is similar to S. 2167 of the 86th Congress. Reports were obtained from the Department of Agriculture and the Department of the Interior on S. 2167 recommending amendments to the legislation designed to relieve the Department of the Interior from any adverse effect in connection with the proposed legislation. Copies of these reports are hereto attached.

Hearings were held in the House in regard to this matter and the House in its report came to the conclusion that the suggested amendments could not be included in the proposed legislation, stating that—

The insertion of a proviso of this sort would have the effect of all but destroying the effectiveness of the legislation. Its impact as a criminal statute would be seriously weakened by the fact that the Government would be empowered to engage in the prescribed activities.

House Report No. 833 on H.R. 2725 sets forth the facts surrounding this legislation and the committee deems that that report should be included herein, as follows:

"The new section 47 provided for in H.R. 2725 is required to protect the remnants of our once extensive herds of mustangs which still remain in the remote areas of our Western States, and to bar the cruelty which is an inseparable part of the mechanized methods which must be used in order to make the capture of these wild horses financially attractive.

"The mustang played an important part in the history of the West. Indians and early pioneers captured and used wild horses, and these horses were often necessary to their existence. As the West was settled the remnants of these wild horses sought out the remote canyons and high rim rock as their last refuge. Today the very existence of the last of the horses in a wild state on the public lands and ranges of the United States is endangered because their capture has become a commercially profitable venture. The use of the domestic horse on the farms and in the cities of the United States has declined to a low figure, for the horse has largely been replaced by other means of transportation and mechanical power. At the same time there has been a growing demand for horsemeat for pet food, and this demand became particularly marked in the years following World War II. As a result, the capture of wild horses for slaughter became a profitable proposition for the horse hunter. In Nevada alone in those years following World War II, more than 100,000 wild horses were removed from the State.

"The traditional method of rounding up horses with crews of cowboys was too slow and costly for men bent on cashing this sort of gain. They found that an airplane

could be used to drive wild horses from their refuges in the rimrock to the flatlands where they could be captured. The method followed was to drive the mustangs from the rough and rugged rimrock at a breakneck speed. When these planes dive on the horses, the tendency of a group of horses is to scatter and attempt to hide. To counter this, a shotgun is commonly carried in the plane, and is used frequently to flush the horses from hiding and to keep them bunched and running in the direction desired by the hunters. After the horses have been driven onto the flatlands, they are chased by trucks, and are pursued to the point of exhaustion.

"Testimony before this committee establishes that one reprehensible, but effective, means of capture is to burden the exhausted horses at this point with heavy and terrifying devices, for example heavy truck tires, which are attached to them by skillful ropers operating from the trucks. At other times the horses may be driven into box canyons and cornered there. Fan-shaped trapping corrals are used where the horses are thrown into violent contact with the enclosing wires and suffer serious and painful injuries which in some cases have resulted in death from loss of blood. After capture the horses are sometimes tied and left where they lie until sufficient horses are obtained to begin loading operations. One method of tying is 'sidelining' where a front and hind foot are tied together, and when the animal struggles its legs become severely 'burned' or rubbed raw by the rope. In loading the horses on trucks to transport them to slaughter, they are dragged up a ramp by saddle horses.

"Witnesses before the committee have testified that as a result of these methods of capture, colts often are left behind where they have little hope of survival. Apparently the men engaged in the activity do not feel that the colts are of sufficient weight to justify the haul to the processing centers. These suppliers are paid by the pound, and other than that the horses be ambulatory the condition of the horses at the processing center is apparently not important.

"The Department of Agriculture has stated to the committee in its report on this bill that it 'is sympathetic toward the objective of the bills to use humane methods of hunting wild horses' but asks that a proviso be included so that the Federal Government will be allowed to engage in the activities defined as criminal under the new section. The Department of the Interior states that it is opposed to 'any form of cruelty, poisoning, or indiscriminate slaughter' of the animals with which H.R. 2725 and its companion bills are concerned. However, that Department also urges the inclusion of a proviso which would have the effect of providing an exception for Federal activity. This proviso would permit the very activities made criminal by subsection (a) of the new section to be carried on by the Government or its permittees. The language recommended by the departments for addition to subsection (a) is as follows: 'Provided, That the aforesaid activities may be permitted, for purposes of carrying out Federal responsibilities, by the particular Federal land management agency responsible for management of the said public land or ranges, or such Federal agency may authorize such activities in accordance with the terms and conditions of permits issued by such agency.'

"The committee has carefully weighed this suggestion, and has concluded that the amendments cannot be included. The insertion of a proviso of this sort would have the effect of all but destroying the effectiveness of the legislation. Its impact as a criminal statute would be seriously weakened by the fact that the Government would be empowered to engage in the prescribed activities. The provision of similar immunity for those granted Federal permits

is objectionable for the same reason. This section would be included in title 18, 'Crimes and Criminal Procedure' of the United States Code, and would be a criminal statute. A reading of the reports of the Agriculture and Interior Departments in this connection discloses that these Departments are properly concerned with range management. However, this committee feels that this emphasis has led those Departments to misconstrue the purpose and effect of the provisions of H.R. 2725. The exception urged by the Departments is devoid of standards as a guide for the activities there concerned. As a matter of fact, it is very difficult to see how sufficient standards could be drafted to convert criminal activity under the general terms of the subsection to accepted practice under the exception.

"The committee has considered the question of potential overgrazing of public lands as it may relate to the horses receiving protection from this legislation. At the hearing on the bill, the Government witnesses agreed that the numbers of wild horses at large on public lands have dropped to a low figure because of the removal operations which have been conducted in recent years. Mrs. Velma B. Johnston of Wadsworth, Nev., one of the principal witnesses at the hearing on the bill, stated concerning the numbers of these horses and the conditions under which they now exist:

"Today's wild horse is not the glamorous mustang of long ago—the fiercely proud, valiant, and beautiful animal that roamed our western country when this century was young. He is, for the most part, underfed, scrubby, and inbred. Since he has become the target for wholesale mechanized round-ups, he has been driven almost from the face of the earth, and has had to split up into small bands, and live where forage is scarce. He has been pushed to environments where no horse should be able to endure, yet he has adapted to that environment and, with barely a fighting chance, has survived. His habitat is high in remote areas where other livestock does not run, and he comes down only when driven to by lack of feed and water. For this, he is pursued and captured."

"It is therefore apparent that the existence of these widely scattered small bands of wild horses on public lands is not a pressing problem. While the argument of the Department of the Interior is couched in terms of conservation, it is difficult to discern just where that Department would draw the line and permit wild horses to exist with at least a degree of protection by the United States. Mr. Gerald Kerr, range staff officer of the Bureau of Land Management, stated at the hearing on the bill:

"It is our firm belief that there is little danger that either the wild horses or burros will be exterminated. The horses now described as wild are animals that were turned loose or escaped from their owners. This escape or release process is going on constantly. There is a general tendency for the wild herds to increase in numbers from this source and from reproduction. It is the purpose of the Bureau of Land Management to prevent the growth of these herds to such numbers as to provide serious competition with game animals and permitted livestock. There is no need, however, nor intent to exterminate them."

"Yet the Department's attitude toward the wild horses at large on public lands is such that it is not clear whether any horse would be regarded as entitled to protection. The same witness stated:

"Wild horses, as such, do not exist on public lands today. The unclaimed and abandoned horses now using the Federal ranges are remnants of extensive horse ranch operations which were conducted on the public ranges of the West until the early 1930's."

"Apparently the Department's reference to the 'wild horse' has particular reference to the descendants of Arabian-Andalusian horses introduced to our continent by the early Spanish explorers, and the Department's view would apparently rule out horses which might be traced to stock which might have been used on ranches or farms in years past. Here again the approach of the Department has all but ignored the purpose of this bill which is to accord protection to any unbranded horse, mare, colt, or burro running at large on the public land or ranges. These horses exist in a wild state. As noted above in the statement of the Department's witness, these horses maintain their numbers from reproduction, as well as from addition of some strays. The testimony of Mrs. Johnston adequately shows that the horses existing in the wild have the physical characteristics and qualities which have long been associated with the horse known as the mustang. There should be no problem with identifying the animals entitled to the protection of the new section proposed in the bill.

"The committee has concluded that there is a clear-cut requirement for the Congress to act. The record of the hearing on H.R. 2725 contains a letter from Sheriff C. W. (Bud) Young of Washoe County, Nev., expressing his support for legislation prohibiting the use of aircraft or motor vehicles in hunting wild horses. Sheriff Young urged Federal legislation with these words:

"The present Federal law is definitely inadequate to prosecute violators and while it is true that we do have a State law, because of legal opinion, the Federal law takes precedence, which therefore—again—brings up to the point where violators cannot be prosecuted to the fullest extent necessary."

"The Nevada law contains language which is very similar to that contained in H.R. 2725. However it must be noted that the following language of the Nevada statute contains language which would grant precedence to Federal law, and therefore the need for Federal legislation is clearly demonstrated. The relevant section of Nevada law is as follows:

"569.420 Hunting of wild horses, burros by aircraft, motor vehicles unlawful; pollution of watering holes to aid capture unlawful.

"1. It shall be unlawful for any person, under the provisions of NRS 569.360 to 569.430, inclusive—

"(a) To hunt wild horses, mares, colts, or burros by means of airborne vehicles of any kind or motor-driven vehicles of any kind.

"(b) To pollute watering holes in order to trap, kill, wound, or maim such animals.

"2. The provisions of NRS 569.360 to 569.430, inclusive, shall not be construed to conflict with the provisions of any Federal law or regulation governing the hunting or driving of horses, mares, colts, or burros by means of airborne or motor-driven vehicles (3.5: 95: 1913; added 1955, 254)."

"ANALYSIS OF THE BILL

"Subsection (a) of the bill provides for the addition of a new section 47 to chapter 3, 'Animals, Birds, Fish, and Plants,' of title 18 of the United States Code. The new section is divided into three subsections.

"Subsection (a) of the new section

"Subsection (a) is the subsection barring the use of aircraft or motor vehicles in the capture or killing of 'any wild unbranded horse, mare, colt, or burro running at large on any of the public land or ranges.' The quoted words clearly define the horses and burros protected by this provision. The word 'wild' refers to horses or burros existing in a wild or free state on public lands. The language used is broad enough to apply to any horse or burro existing in a free or wild state on public land or ranges, and this plus

the requirement that they be unbranded is sufficient to differentiate these horses from horses whose ownership can be traced to some individual. It should be noted that this classification does not rest upon the origin of the horses in terms of bloodlines or similar technical limitations. Rather the committee feels that this subsection contains objective standards for the identifying of the animals concerned. The subsection further provides for a penalty of a \$500 fine or 6 months' imprisonment or both for the violation of these provisions.

"Subsection (b) of the new section

"Subsection (b) would bar the pollution of any watering hole on public land or ranges with the purpose of trapping, killing, wounding, or maiming any of the animals referred to in subsection (a). This language would serve to further protect these wild horses and burros from persons using these means of capturing them. A penalty of \$500 or 6 months' imprisonment or both is also provided for the violation of the provisions of this subsection.

"Subsection (c) of the new section

"Subsection (c) defines the terms 'aircraft' and 'motor vehicle' in broad language. 'Aircraft' is defined as any contrivance used for flight in the air. 'Motor vehicle' is defined as any self-propelled vehicle designed for running on land including, but not limited to, automobiles, automobile trucks, automobile wagons, or motorcycles.

"Subsection (b) of the bill provides for the amendment of the analysis of chapter 3 of title 18 so as to include the catchline of new section 47.

"CONCLUSION

"The testimony received by this committee in connection with the hearing on this bill, and the evidence presented in support of the legislation, clearly shows a need for legislative action. The committee, therefore, recommends that the bill H.R. 2725 be considered favorably."

Mr. MANSFIELD. The Sunday edition of the New York Times this past weekend carries the story headlined "Mustang of West Going to the Dogs—Once Abundant Wild Horse, Hunted as Food for Pets, Is Facing Extinction."

This fine news account begins by stating that "the last of the West's wild horses—the mustangs immortalized in legend and history—are fighting a losing battle for survival."

This in brief is a tragic situation that has been brought to the attention of the Congress this year. Several weeks ago the House passed H.R. 2725, a bill which would prohibit the use of aircraft or motor vehicles to hunt certain wild horses or burros on Federal lands. This bill was introduced by the distinguished Congressman, WALTER BARING, of Nevada. Soon after Mr. BARING took the lead in this attack on the inhumane slaughter Senators CANNON, COOPER, MURRAY, NEUBERGER, BUSH, and I joined in the introduction of companion legislation here in the Senate. I am very pleased to note the expeditious action taken by the chairman and members of the Senate Judiciary Committee in reporting this bill favorably.

I can see absolutely no reason why anyone would oppose the humanitarian nature of this legislation. This bill does not set up a refuge and would not prevent future hunting of these animals when necessary, but it does prevent the inhumane methods now being used to catch these animals, who are then taken away

to slaughterhouses and made into pet food.

This bill would make it illegal for hunters to use airplanes, jeeps, and other methods of harassing and mistreating these animals. In the early days of the Nation's history, the mustang or the wild-horse was in abundance and roamed throughout the West. Today there are probably fewer than 15,000 of these animals left. The official tabulation from the Bureau of Land Management estimates that there are 11,444 of these animals still roaming our Federal lands. The largest groups are found in the State of Nevada, with slightly more than 6,000 in number. In my State of Montana there are less than 200. A great deal of the credit for bringing this unfortunate situation to the attention of the general public and the Congress goes to the Society for Animal Protective Legislation; Mrs. Velma Johnston, of the Double Lazy Heart Ranch, in Nevada; Mrs. Roger (Christine) Stevens, of New York. Mrs. Johnston and Mrs. Rogers have worked long and hard in behalf of this humanitarian project, and they know of this deplorable situation from firsthand experience.

The Federal Government is constantly setting up refuges and preventing the extinction of many different species of animals, fish, and fowl; and I am very pleased that we are able to provide some protection for the wild horse, one of the first inhabitants of the American Continent.

Mr. President, I ask unanimous consent to have several items printed at the conclusion of my remarks in the CONGRESSIONAL RECORD. They are a report from the Bureau of Land Management dated July 24, 1959, a feature story in the Washington Star of July 12, 1959, a news story from the Christian Science Monitor of July 20, 1959, and a New York Times article dated August 23, 1959.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF THE INTERIOR,
BUREAU OF LAND MANAGEMENT,
Washington, D.C., July 24, 1959.

Hon. Mike Mansfield,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MANSFIELD: Your request of July 10 for statistical and background information concerning abandoned or unclaimed horses and burros now in the Western States, is acknowledged.

We have kept a close check on this matter the past several years, requesting statistics from our field offices periodically. On lands administered by the Bureau of Land Management our latest information as to the numbers of these animals, by States, is tabulated below:

California.....	950
Oregon.....	920
Idaho.....	250
Nevada.....	6,200
Utah.....	589
Colorado.....	380
Montana.....	195
New Mexico.....	100
Wyoming.....	1,860
Total.....	11,444

We are informed that a limited number of these animals have been seen on Indian reservations and wildlife refuges.

As far as a specific control program to regulate their numbers is concerned, the Bureau has none. We are interested only in controlling these animals to the extent of conserving forage needed for licensed livestock and big game using our Federal range lands. They multiply rapidly and if a check is not maintained on their numbers they create major problems in forage conservation and land management. As a rule, they are gathered by private individuals and concerns. The leaflet enclosed contains some information on the subject which you may find of interest.

Sincerely yours,

EARL J. THOMAS,
Acting Director.

[From the Washington Sunday Star,
July 12, 1959]

MUSTANGS AT BAY—CONGRESS EYES WILD HORSES' LAST STAND

(By Ann Cottrell Frce)

A horse drama as impassioned as any to come out of our Wild West via the pages of history or TV studios will hit the boards on Capitol Hill this Wednesday.

Its principal audience—a House Judiciary Subcommittee—will help determine how the drama is going to turn out. For its outcome hinges on whether Congress will outlaw the use of aircraft and motor vehicles in rounding up wild horses and burros on Government-owned public lands.

Not since trigger-happy hunters, firing the then new breech-loader gun, brought the American bison to near extinction 70 years ago has there been such concern over the treatment of animals belonging to the American heritage.

Unlike the buffalo, these horses are rarely shot on the range. But through high-volume mechanized roundups they are brought back alive for shipment to centers for conversion into pet food. They once numbered into the hundreds of thousands. Today only about 20,000 remain.

No fast draws from the hip are expected at the hearing which brings to center stage a fight that has raged in the wings for years. The gunsmoke will come from sizzling words instead. Every man a hero may call—by implication, at least—his opposite number fool or villain. And the leading lady—a true girl of the Golden West—will bring dash and charm that her male opponents may find hard to match.

She is Velma B. Johnston, of Double Lazy Heart Ranch, Wadsworth, Nev. Standing 5 foot 6 in her high-heeled cowgirl boots, this woman has crusaded for years in behalf of the horses—reportedly dodging bullets in the doing.

Many of the wild horses are descendants of the fiery Arabian-Andalusian horses brought here by Spanish explorers. The strays and runaways were called mestangos, soon becoming mustang. (There is no native American horse, except the little prehistoric creatures that migrated to Asia or died out before the early age of man.)

By 1800, the mustangs were about 2 million strong. Indians and early pioneers caught them, broke them, and rode them. In later years they were joined by all sizes, shapes, and blood lines. Many of them look scrubby and rundown, but they retain a fiery independent spirit.

Wary of hunters, the herds hug the canyons and the high rimrock. But after World War II the demand for horsemeat for pet food grew. Hunters realized there was "gold in them thar hills." They took to using planes in a big way to flush the fiery mustangs out to the flat lands. There, trucks take over. Men strapped to the truck sides, lasso them as they race away in terror. At the end of the rope heavy truck tires are fastened. Exhausted from running and the new weight, the horses slow down. If they resist capture,

they are thrown, hog tied, and loaded into trucks. Several days on scanty rations may pass before they are killed.

Many humanitarians and conservationists believe this kind of roundup to be both terrifying and unfair.

SPORT ENCOURAGED

Mechanized roundups have been encouraged and in some cases paid for by cattlemen who lease public lands to graze their livestock. They consider the wild horses a threat to the already skimpy food supply. The U.S. Government shares their view.

(The Bureau of Land Management of the Department of the Interior leases public lands for livestock use under the Taylor Grazing Act of 1934. Hunting and fishing permits for public lands are granted usually by State authorities.)

The efforts of "Wild Horse Annie"—as Mrs. Johnston is known—are beginning to pay off. Nevada now forbids mechanized roundups, except those called for by the Bureau of Land Management on the public lands—which make up nearly 88 percent of the State. Horse hunting in Nevada has been a high volume, good-money affair, resulting in the reduction of the herds in 15 years from 100,000 horses to 5,000.

Wyoming now requires payment for every stray horse taken from the range. Horsemeat hunters find that this cuts their profits to the bone.

The campaign picked up strength when Mrs. Johnston's Congressman, WALTER S. BARING, introduced a bill to outlaw motorized roundups—whether BLM financed or not—on public lands.

Since then seven Senators and three House Members of both parties have put their names to identical or similar bills.

They are Democratic Senators MIKE MANSFIELD and JAMES MURRAY, of Montana; HOWARD W. CANNON, of Nevada; PAUL DOUGLAS, of Illinois; RICHARD L. NEUBERGER, of Oregon, and Republicans PRESCOTT BUSH, of Connecticut, and JOHN S. COOPER, of Kentucky.

House sponsors are J. CARLTON LOSER, Democrat, of Tennessee, and ALVIN O'KONSKI, Republican, of Wisconsin. A separate bill to put an end to the use of public land horses for horsemeat was introduced by Representative MERWIN COAD, Democrat, of Iowa.

Public interest has grown steadily, particularly since a popular magazine carried a piece last year called "The Mustangs' Last Stand." Mail to Congress is piling up just as it did a year ago on the humane slaughter bill. Judiciary Committee member JOHN E. HENDERSON, Republican, of Ohio, wrote his constituents that the letters "confirm my belief that most Americans are unselfish and have a warm spot in their hearts for animal welfare."

Being against bills involving the heart puts the Interior Department in a hard-to-explain spot. Its officials will try to convince Subcommittee Chairman THOMAS J. LANE, Democrat, of Massachusetts, and colleagues that mechanized roundups can be more humane. Interior, therefore asks that the Government be given sole authority for the roundups. But it asks also for the right to employ hunters using planes and trucks.

Acting Interior Secretary Elmer F. Bennett in a recent letter to Judiciary Chairman EMANUEL CELLER, Democrat, of New York, buttressed his case with arguments that Government control of roundups could drive "bootleg" horse hunters off the range.

GRAZING DEPLETION

Also he maintained that uncontrolled herds would compete for food against the other wildlife on the Government's public lands.

A line in Mr. BENNETT's letter about being against "cruelty, poisoning and indiscriminate slaughter" prompted an Interior press

release that led hasty readers into thinking the Department had approved the Baring bill. The release caption: "Interior Favors Protection of Wild Horses on Western Lands."

Representative BARING replied immediately that the Interior amendment would render his bill "useless."

Mrs. Roger Stevens of the Society for Animal Protective Legislation, and Fred Myers, of the Humane Society of the United States, maintain that the old "pros" in the business—the horsemeat hunters—might be retained by BLM for the job.

A compromise between the two stands may be in order. If establishment of sanctuaries—now that the wild-horse population is at an alltime low—might be one answer.

But if that should be impractical from the standpoint of fencing, could quasi-sanctuaries be established? Instead of fencing the horses in, could they be more easily handled if food, water and salt-lick stations were provided them?

If their numbers multiplied too rapidly, they could be caught—probably without resort to aircraft and trucks—at the food stations by more gentle means. Among those means is the tranquilizer gun which is growing in popularity among animal handlers.

The setting of standards and methods could be done by a public advisory committee in cooperation with BLM. It could include representatives of interested groups—not forgetting "Wild Horse Annie."

Such an advisory board worked quite successfully after the passage of the humane slaughter law.

The first act, opening here Wednesday, will set the stage, raise a number of questions and could lead to a final happy curtain: Wild horses headed for their last roundup under conditions acceptable to all except the mustangs.

[From the Christian Science Monitor, July 20, 1959]

MUSTANGS HEARD IN CONGRESS

(By Josephine Ripley)

WASHINGTON.—Members of Congress have been startled by an unusual stampede of mail in recent weeks.

They have been bombarded with thousands of letters from constituents, not about world affairs, about inflation or taxes—but about wild horses.

Thousands of Americans all over the country are calling for the last roundup—mechanized roundup, that is, by which wild horses are flushed out of canyons by low-flying planes, pursued across the desert by speeding trucks, and reduced to exhaustion by cruel and inhumane methods before being shipped off for slaughter as horse meat.

SENTIMENTS VOICED

Representative JOHN E. HENDERSON, Republican, of Ohio, expressing the sentiments of many of his colleagues has stated:

"The volume of mail which I have received on this subject and the comparison with the number of letters which I have received on many measures of world-shaking importance confirms my belief that, by and large, Americans are unselfish and have a soft spot in their hearts for the animal kingdom."

Congress has before it bills which would prohibit or regulate this type of roundup which has grown and flourished with meat, used mainly in canned dog and cat food.

This latest tale of the Wild West has, like all westerns, a cowgirl as its leading lady. Billed as "Wild Horse Annie," she recently testified—and impressed—Members of Congress by her demure and ladylike appearance when she testified before a House Judiciary Committee.

She is Mrs. Velma B. Johnston of Double Lazy Heart Ranch in Wadsworth, Nev., a longtime crusader for wild horses.

She cries out against the rapidly approaching extinction of the wild mustang, as well as against the "atrocities and brutalities" practiced in its capture.

CRUELTY DEPLORED

Many of these wild horses are descendants of the spirited Arabian-Andalusian horses brought here by the Spanish explorers. These were the steeds used by the Indians. Strays became known as mestangos, later being dubbed "mustangs."

Some 15 years ago, there were some 100,000 wild horses in Nevada, Mrs. Johnston told the subcommittee. Today, due to the demand for horsemeat as pet food, the number has been reduced to about 5,000, she said.

In order to capture their quarry, the truck-riding cowboys of today lasso the panic-stricken animals. A heavy truck tire is fastened to the end of the lasso. The horse drags the heavy tire until he falls from exhaustion.

Other and more cruel methods are employed to exhaust the animals to make capture easy. They are then piled into trucks, often sustaining broken legs in the process, according to the testimony of witnesses, as they are shipped off to slaughter centers.

UNITED STATES IN ODD POSITION

In a situation of this kind, one would expect to find the Federal Government on the side of the humanitarians and opposed to the flying cowboy roundup. But the Government is in an odd position.

These roundups in many cases take place on Federal lands which are leased by the Government to ranchers for grazing land for cattle and sheep. It is claimed that wild horses, in the past at least, have often reduced the forage on these lands to the point where it is insufficient to sustain legitimate herds.

For this reason, the Department of the Interior has protested legislation to prohibit the mechanized roundup. Instead, it asks that the Government be given sole authority for such roundups. But it wants to use planes and trucks for the purpose.

But the Government would not, of course, resort to the atrocities attributed to the commercial hunters.

The bill introduced by Representative WALTER S. BARING, Democrat, of Nevada, would outlaw motorized roundups of any kind, whether by the Government or private enterprise. Similar bills have been introduced in the Senate.

Members of Congress have been amazed that a 1-day hearing on a subject of such apparently limited interest had aroused such nationwide response.

"We have been getting a tremendous amount of mail from all over the country," reported a clerk on the House subcommittee. It has come not only to the subcommittee, but to individual Members.

Mr. HENDERSON, a committee member, reports that "persons from all over the United States who have been touched by the account of treatment given these animals have been writing to me urging my support of legislation."

[From the New York Times, Aug. 23, 1959]
MUSTANG OF WEST GOING TO THE DOGS—
ONCE ABUNDANT WILD HORSE, HUNTED AS
FOOD FOR PETS, IS FACING EXTINCTION

WASHINGTON.—The last of the West's wild horses—the mustangs immortalized in legend and history—are fighting a losing battle for survival.

The few remaining herds, numbering perhaps 15,000 animals, are being rounded up and sold as pet food. Pursued by trucks and aircraft, the horses are driven to exhaus-

tion. Canneries buy the inexpensive horsemeat to help satisfy the appetites of America's 26,000,000 dogs.

Wild horses roamed America at least 15,000 years ago, the National Geographic Society says. The first hunters who pushed southward from the Bering Strait stalked them for food. Eventually, these primitive little horses became extinct, but nobody knows why.

Spanish conquistadors reintroduced the horse to America. In the late 17th century, Indian raids forced the Spanish to abandon many new settlements and missions in New Mexico. Large numbers of horses were left behind, and they reverted to the wild.

SOUTHWEST HERDS IMMENSE

Immense herds grazed the grasslands of the Southwest. New recruits constantly swelled the mustang ranks. Indians turned loose many tired and footsore domestic mounts. Other horses strayed from ranches, or were rounded up and driven off by wild stallions.

In 1777, Fray Morfi, a Franciscan missionary who traveled through Texas, wrote that wild horses "are so abundant that their trails make the country, utterly uninhabited by people, look as if it were the most populated in the world. All the grass on the vast ranges has been consumed by them, especially around the waterings."

At one time probably a million horses ran wild on Texas prairies, and another million ranged the plains northward to Canada. Nineteenth century maps marked vast stretches of the Southwest as "Wild Horse Desert."

The true mustang was of Spanish stock, with Arab and Barbary strains predominating. The term "mustang" came from *mesteño*, a Spanish word meaning strayed or wild. Light and fast, mustangs were unequaled for toughness and endurance, and they came in every conceivable color. Cowboys preferred "coyote dun." Indians liked the grays and pintos that blended with the landscape.

HARD TO CATCH OR TAME

Both settlers and Indians captured wild horses, but they were hard to catch and harder to tame. Frontier songs and stories featured legendary stallions that nobody could ever trap.

Without the mustang, the West might not have been won so rapidly. Mustang stock supplied the Pony Express, the Mountain Men, and the cowpokes. Eastern horses of English strain did not predominate until the frontier was closed forever. By 1890, the true mustang was almost gone.

Present-day mustangs have hardly a trace of Spanish blood. They are descended from domestic animals released when new power machinery made them obsolete. Unclaimed and unwanted, mustangs compete with wildlife and domestic stock for water and grass, tear down fences, and lure away tame mares.

The mustang will always be a symbol of the old West, however. Such place names as Mustang Prairie, Pinto Canyon, and Wild Horse Mountain cherish the memory.

Mr. KUCHEL. Mr. President, decent Americans in every part of the Nation and from every walk of life will applaud the action the Senate is about to take here today. For example, I recall the very great and unselfish interest demonstrated in this humane legislation by a talented motion picture actress, Miss Peggy Taylor, of California. While on location in Nevada, working in a new motion picture, she was shocked and sickened at the cruel and wanton killing of wild horses by people motivated solely

by the desire to make money. She urged me to support H.R. 2725. Others have done likewise. I am glad to support it today as simply decent and humane legislation prohibiting planes and autos—or trucks—from killing wild horses on U.S. property.

The average person is completely unaware of the almost unbelievable vicious cruelty used in the killing of wild horses in order to supply a cheap source of meat for pets. So far as I am concerned, my family's good-looking Belgian sheep dog would not want to eat any such meat if he knew the wanton manner by which it was brought to the canning factory.

I am delighted to be able to participate in the passage of this very worthwhile proposed legislation.

Mr. MANSFIELD. I thank the distinguished minority whip. I wish to state for the record that the real impetus behind this bill was furnished by the Representative from Nevada, Mr. BARING, a lady known by the name of "Wild Horse" Annie, whose real name is Velma Johnston, who lives on a ranch at Wadsworth, Nev., and Mrs. Roger Stevens, of New York. Both of these ladies worked long, hard, and effectively in behalf of the legislation.

Mr. President, I urge that the bill be passed.

Mr. KUCHEL. Mr. President, I should like to be associated in this endeavor not only with the able majority whip, the two Senators from the State of Nevada, and the Representative from the State of Nevada, but also with "Wild Horse" Annie.

The PRESIDING OFFICER. The bill is open to amendment.

If there be no amendment to be proposed, the question is on the third reading and passage of the bill.

The bill (H.R. 2725) was ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the vote by which H.R. 2725 was passed be reconsidered.

Mr. KUCHEL. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MEETING BETWEEN MR. EISENHOWER AND MR. KHRUSHCHEV

Mr. KEFAUVER. Mr. President, this week President Eisenhower will be leaving for Bonn, Paris, and London to talk with our allies before talking with Mr. Khrushchev.

I approve of the invitation to Mr. Khrushchev to visit the United States. I also approve of Mr. Eisenhower's trip around the circuit to see the other heads of government, prior to those talks.

But I think that we should not deceive ourselves as to the difficulties and dangers inherent in this type of personal diplomacy between the heads of nations.

It is obvious that in Bonn and Paris grave doubts have arisen over the proposed exchange of visits. I am sure that President Eisenhower will do his best to ease those doubts, but it will not be an

easy task. Both France and Germany want to be sure that their own positions are not weakened—that nothing which they consider vital slips away during the conversations between the master of the Kremlin and the occupant of the White House. This is understandable. We have only to recall that there were many doubts expressed in the United States when Mr. Macmillan visited the Soviet Union. In a system of more or less equal partners on one side, and an undisputed master on the other, these recurring doubts will continue to arise.

Khrushchev's trip most certainly will be a success from his standpoint if he manages to sow the seeds of distrust between Washington, London, Paris, and Bonn. If those seeds take root and grow, then he will have achieved what I believe to be the number 1 aim of Moscow, the wrecking of NATO.

Throughout the NATO area there have been during recent years various steps toward building what began as a purely military alliance into a true Atlantic community.

I think our best defense against the wiles of Mr. Khrushchev on his forthcoming visit is to refuse to take our eye off that ball. We should be gracious and hospitable, we should show him our stoves and refrigerators and kitchen sinks with disposals, and anything else he wants to see, but we should show him also that we are serious about building our Atlantic community.

We did this last June in London, in the meeting of the Atlantic Congress, which some of us had a hand in setting up and attended. I think the Congress was impressive to the Kremlin because it showed free people uniting—650 delegates from 14 nations, uninstructed by their governments, speaking freely as citizens, and arriving, in the words of the declaration, at the conclusion that "the time is ripe for these nations to build an Atlantic community with responsibilities extending to military, political, economic, social and scientific fields."

The Kremlin certainly took note of the congress. It was denounced in Tass and Isvestia and in broadcasts to the satellites. But as for Mr. Khrushchev, he began to smile—to propose visits and otherwise set about presenting himself as not really a bad fellow after all. This is the old tactic, always used when the West is pulling together, designed to get our eye off the ball and make us relax.

The best thing we could do, while being hospitable, is take the next step recommended by the Atlantic Congress, and call together the smaller convention, as proposed by Senate Concurrent Resolution 17, sponsored by the Senator from Minnesota [Mr. HUMPHREY] and other Senators, which this U.S. Congress should pass before adjourning.

This smaller convention, unlike the Atlantic Congress, would meet for as long as necessary. It would be composed of delegates from the NATO nations and any others they chose to invite. It would have the opportunity to basically study and recommend to the free governments further steps which must be taken in the political and economic

fields to really establish the community we think exists and know must be established.

It would be our most impressive way of showing Mr. Khrushchev that while we want to be friendly, we are not going to be hoodwinked. Instead, we are going right on with our work. That is the kind of evidence he respects, and I think it is the only kind.

Mr. HARTKE. Mr. President, will the Senator yield?

Mr. KEFAUVER. I yield to the Senator from Indiana.

Mr. HARTKE. I want to commend the Senator from Tennessee again upon the fine work he has been doing in this field and the fine work he did at the NATO meeting in London. I think that the business people, the laboring people, and the people attending on behalf of religious organizations of the United States understood for the first time what was meant by living together in an Atlantic community.

Mr. KEFAUVER. I thank the Senator. The Senator from Indiana has been interested in the work of the Atlantic Congress. The Senator attended as a delegate and made a substantial contribution to the deliberations, for which we are all grateful.

Mr. HARTKE. I thank the distinguished Senator from Tennessee for those kind remarks.

I should like to ask the Senator from Tennessee if it was his general impression that those people who attended from the NATO nations had a feeling a military alliance alone was not sufficient?

Mr. KEFAUVER. That is certainly true. It is felt that although NATO was created in the beginning largely as a military alliance we have passed to the point where it is necessary to consider economic, social, cultural, and educational problems if our alliance is going to continue and be effective. We are confronted with a different kind of opposition from the Soviet world today than the kind we were confronted with 10 years ago when NATO was created. If we are going to have real unity it is necessary to do something in the political, economic and cultural fields.

Mr. HARTKE. I should like to further ask if it was the Senator's general impression that the people desired to share with us, not alone money, but energy and intelligence in a way in which we could combat the terrific force which is attempting in all manners to undermine the unity of the West against Soviet aggression.

Mr. KEFAUVER. I certainly received that very definite impression from the 650 outstanding people who attended the Atlantic Congress as delegates.

I will say further to my distinguished colleague from Indiana that in my opinion the people of the 15 NATO countries are away ahead of their governments, and I include the executives as well as the legislative branches of the governments. They want to find effective means of bringing about closer cooperation and better unity. They have shown this desire by unanimously ap-

proving the substance of the resolution, Senate Concurrent Resolution 17, sponsored by the distinguished Senator from Minnesota [Mr. HUMPHREY] and other Senators, now under consideration in the Committee on Foreign Relations. I hope very much the resolution will be favorably reported by the committee and passed by the Congress before the present session is over.

I know the Senator from Minnesota has shown great leadership in advancing the resolution. I am happy to say that I have good reason to believe the Secretary of State is in favor of the resolution which the Senator from Minnesota has sponsored.

Mr. HARTKE. I join with the distinguished Senator from Tennessee in complimenting the Senator from Minnesota for presenting the resolution, with other Senators. I hope the Senator will use his influence, which I know is considerable, and his conversation, which is very persuasive, to bring this matter before the Congress before we adjourn. I hope we can achieve satisfactory results, in the best interests of peace and of the people throughout the world who want peace.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. KEFAUVER. I am happy to yield to my colleague from Minnesota.

Mr. HUMPHREY. First, I wish to thank the distinguished junior Senator from Indiana for his kind and gracious remarks. I only hope we will be able to act affirmatively on Senate Concurrent Resolution 17. It shall be my purpose in the Committee on Foreign Relations to seek affirmative action.

We have been awaiting the kind of support from the State Department we had hoped would be forthcoming. As the Senator from Tennessee indicated, there is reason to believe that the present Secretary of State is very sympathetic toward the objectives and purposes of Senate Concurrent Resolution 17.

I say to my colleagues in the Senate that the Senator from Tennessee [Mr. KEFAUVER] has been in the vanguard of the movement to strengthen the free nations of the world, through the type of conference which is advocated in Senate Concurrent Resolution 17.

The meeting in London last June, which I had hoped to be able to attend, was a very productive meeting. The proceedings of that meeting and the reports were all to the good. As the Senator from Tennessee indicated in his remarks, the Soviet Union did take note of what happened at the London Conference in June and did try to use its propaganda to destroy the effectiveness of that Conference. Nevertheless, the Conference was a singularly effective meeting and has paved the way for greater solidarity among the allies.

It is my feeling, in the light of some recent developments, particularly as they relate to the Republic of France, Great Britain, and the United States, that the meeting of the leaders of the NATO countries in the Atlantic Community is more urgent today than ever before in our history. The North Atlantic Treaty Organization has relied almost entirely upon

its military aspects as the source of strength. We need to broaden that concept. We need to make the NATO program a much greater and much bolder venture in international cooperation than simply the military function.

Such a meeting as is proposed in Senate Concurrent Resolution 17, with the leaders meeting so long as is necessary to discuss the improvement of relationships among the free nations, particularly of the Atlantic Community, I think, would be very constructive.

The PRESIDING OFFICER. The time of the Senator from Tennessee has expired.

Mr. HUMPHREY. I thank the Senator from Tennessee.

Mr. KEFAUVER. Mr. President, I simply wish to express appreciation for the statement of the Senator from Minnesota and for his leadership of the Committee on Foreign Relations, as well as in the Senate, in furthering this very intelligent effort to further unify the nations in our NATO organization.

Mr. CLARK. Mr. President, if I may, I should like to briefly commend the Senator from Tennessee for the remarks he has made in support of the Atlantic Congress resolution. I wish to express to the Senator my support of his leadership in this regard. My regret is that I could not get the floor earlier, in order to say more than these few brief comments of commendation and support.

Mr. KEFAUVER. Mr. President, if I may be recognized, I should like to thank my colleague from Pennsylvania for his statement and for his efforts and work, both since he has been in the Senate and before he came to the Senate, in support of NATO.

PLEA FOR BETTER PROGRAMING BY THE TELEVISION INDUSTRY FOR THE PROTECTION OF YOUTH

Mr. LANGER. Mr. President, I note from the ticker tape that the National Congress of Parents and Teachers called on the television industry today to cut out violence and vulgarity in TV programing. "We will try to convert the mounting protests against shoddy TV programing into intelligent discussion that can be helpful both to the TV industry and to the viewing public," said Eva Grant, editor of the National Parent-Teacher magazine.

Mr. President, as a member of U.S. Senate Subcommittee To Investigate Juvenile Delinquency, I call attention to the fact that we held hearings on this subject and called on the TV industry to curtail crime and violence that had an impact on our youth during 4-8 p.m. programing. Our campaign to curtail indecent literature applies also to vulgarity on TV.

I wish to congratulate the Parent-Teachers Congress on their stand, and I hope the TV industry will give serious study to the recommendations.

Our youth deserve the consideration.

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

Mr. KUCHEL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KUCHEL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. KUCHEL. Mr. President, what is the unfinished business?

The PRESIDING OFFICER (Mr. BARTLETT in the chair). The unfinished business is H.R. 2411, on which a unanimous-consent agreement has been reached.

Mr. KUCHEL. Mr. President, I ask unanimous consent that, notwithstanding the previous unanimous-consent agreement entered into, the distinguished senior Senator from Vermont be permitted to address the Senate at this time.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVATE U.S. INVESTMENT ABROAD

Mr. AIKEN. Mr. President, I think it will be found by an examination of the RECORD that yesterday it was ordered that I should be recognized to speak between the end of the morning hour and the taking up of the unfinished business.

The PRESIDING OFFICER. The Chair recognizes the Senator from Vermont.

Mr. AIKEN. Mr. President, a pattern has been steadily forming in the legislative proposals coming before us which I have been watching with more interest than enthusiasm.

A crude title for them would be "Private Enterprise at Public Expense."

I recognize that Congress has frequently legislated in fields of normally private activity. In these measures, the implementation of national policy has been the prime objective. The use of private resources and energies has been the means of attaining that objective.

However, I have been wondering lately whether we may not be reversing that formula, and turning the national objective into an instrument for private advantage.

There appears to be a trend in that direction in some of the proposals being advanced to make it attractive for American business and investment to move into those areas of the free world which are important to U.S. foreign policy.

It is our official policy to encourage private investment abroad. It is a sensible policy. Private U.S. investment can and should play a major part in international economic development, especially in those countries which are now receiving the benefits of our mutual security programs.

In speaking on this point at a meeting of the Colombo plan nations at Seattle last November, the President said:

The resources of American private capital are far larger than the amounts which our Government can provide. Most of the productive talent and resources of our society

Public Law 86-234
86th Congress, H. R. 2725
September 8, 1959

AN ACT

73 STAT. 470.

To amend chapter 3 of title 18, United States Code, so as to prohibit the use of aircraft or motor vehicles to hunt certain wild horses or burros on land belonging to the United States, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) chapter 3 of title 18, United States Code, is amended by adding at the end thereof the following new section:

"§ 47. Use of aircraft or motor vehicles to hunt certain wild horses or burros; pollution of watering holes

Horses and
burros on
public lands.
Methods of
hunting.
18 USC 41-46.

"(a) Whoever uses an aircraft or a motor vehicle to hunt, for the purpose of capturing or killing, any wild unbranded horse, mare, colt, or burro running at large on any of the public land or ranges shall be fined not more than \$500, or imprisoned not more than six months, or both.

"(b) Whoever pollutes or causes the pollution of any watering hole on any of the public land or ranges for the purpose of trapping, killing, wounding, or maiming any of the animals referred to in subsection (a) of this section shall be fined not more than \$500, or imprisoned not more than six months, or both.

"(c) As used in subsection (a) of this section—

"(1) The term 'aircraft' means any contrivance used for flight in the air; and

"(2) The term 'motor vehicle' includes an automobile, automobile truck, automobile wagon, motorcycle, or any other self-propelled vehicle designed for running on land."

(b) The analysis of such chapter 3, immediately preceding section 41, is amended by adding at the end thereof the following new item:

"47. Use of aircraft or motor vehicles to hunt certain wild horses or burros."

Approved September 8, 1959.

